LEGISLATIVE COUNCIL

Thursday 10 December 1981

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

SITTINGS AND BUSINESS

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That the sitting of the Council be suspended until the ringing of the bells.

Conferences between managers of another place and this Council are continuing. If, after consultation between you, Mr President, the Clerk and the Leader of the Opposition, it appears feasible for the Council to sit while the conferences continue, then I would intend to move to suspend Standing Orders to enable that course to be followed so that some business of the Council can continue. Time has not permitted those discussions at this stage, but I hope that after a few minutes we would know whether or not that is a feasible course of action.

Motion carried.

[Sitting suspended from 2.17 to 2.48 p.m.]

The Hon. K. T. GRIFFIN: I will be moving to suspend Standing Orders to enable the conferences to continue during the sitting of the Council. I also foreshadow for the benefit of members that, after that motion is carried, I will then be moving that Standing Orders be so far suspended as to enable Question Time to be postponed until a later time in the day and to be taken on motion. If the first suspension motion is approved, Question Time will be held at some time later in the day when all Ministers and members are present so that members will have an opportunity to ask questions. I propose that we take petitions and lay on papers, as is the normal practice, as part of Question Time. If these two motions are carried, I propose that we move down the Notice Paper dealing with Questions on Notice, Notices of Motion and various Orders of the Day, endeavouring to accommodate the difficulties which the Table will undoubtedly experience if we move too quickly, and also ensuring that members of the Council have a reasonable opportunity to deal with any matters in which they have a specific interest. Therefore, I move:

That Standing Orders be so far suspended as to enable the conferences to continue during the sittings of the Council.

Motion carried.

The Hon. K. T. GRIFFIN: I move:

That Standing Orders be so far suspended as to enable Question Time to be postponed until a later time of the day and to be taken on motion.

Motion carried.

QUESTIONS ON NOTICE

FAMILY DAY CARE PROGRAMMES

The Hon. ANNE LEVY (on notice) asked the Minister of Community Welfare:

1. What percentage of the money from Federal sources for the family day care programme is allowed for covering the administrative costs of the programme?

2. Is there an agreement between the State and Federal Governments which specifically apportions administrative costs of the family day care programme between State and Federal funding for the programme?

The Hon. J. C. BURDETT: The replies are as follows:

1. 7.46 per cent was spent on administrative costs in 1980-81. There is no fixed stated percentage.

2. No.

The Hon. ANNE LEVY (on notice) asked the Minister of Community Welfare: With regard to the family day care programme:

1. How many family day care co-ordinators are there currently?

2. What is the average number of minders that each co-ordinates?

3. What is the greatest number of minders that any co-ordinator has?

4. What is the least number of minders that any co-ordinator has?

5. Is there any loading, financial or otherwise, for minders who take responsibility for children who are mentally or physically handicapped?

The Hon. J. C. BURDETT: The replies are as follows:

1. There are currently 14 full-time and 16 part-time family day care co-ordinators.

2. Forty-four.

3. Eighty-two.

4. Twenty-two.

5. No. Care-givers negotiate their own fees for care with parents.

The Hon. ANNE LEVY (on notice) asked the Minister of Community Welfare:

1. How many subsidised child care centres are there currently in South Australia?

2. How many private child care centres are there currently in South Australia?

3. For each category, what is the average number of staff?

4. For each category, what is the average child/staff ratio?

5. For each category, what is the greatest child/staff ratio?

6. For each category, what is the least child/staff ratio?

The Hon. J. C. BURDETT: The replies are as follows:

1. Thirty-seven.

2. Forty-seven.

3. The average number of staff is not available. See 4.

4. Subsidised and private centres are licensed by the Department for Community Welfare under the Child Care Centre Regulations (Regulation 23 (1), (2) and (3)) which specifies staff ratios.

5. Subsidised centres which accept totally dependent children have the greatest staff ratio—1 staff/3 children. Private child care centres (which take students on placement or those obtaining work experience) have a higher child/adult ratio.

6. Child/staff ratios are specified in the Child Care Centre Regulations. See 4 above.

JUSTICES ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Justices Act, 1921-1981. Read a first time.

The Hon. K. T. GRIFFIN: I move:

That this Bill be now read a second time.

It makes a number of miscellaneous amendments to the Justices Act. It gives effect to a recommendation of the Standing Committee of Attorneys-General relating to the reciprocal enforcement of fines against bodies corporate. It simplifies and rationalises the provisions of the principal Act relating to the institution of appeals against judgments of courts of summary jurisdiction. It inserts a new provision empowering a court of summary jurisdiction to set aside a

conviction or order and re-hear proceedings where the defendant did not receive notice of the proceedings, or not in sufficient time to enable him to attend, or where, for some other reason, the defendant did not attend the hearing and it is in the interests of justice that the proceedings be re-heard.

The Bill provides a procedure under which a defendant who proposes to plead 'not guilty' to a charge is saved the trouble of attending the court at the time originally fixed in the summons. New provisions making possible the temporary appointment by a magistrate of a clerk of court are inserted by the Bill. Justices of the peace are prevented by the Bill from imposing a penalty of imprisonment on a person convicted of an offence before the justices. In a case where a sentence of imprisonment is required by law, or is in the opinion of the justices warranted by the offence, the convicted person must be remanded for sentence by a special magistrate. The Bill deals with various other matters which I shall explain in the course of explaining its individual provisions. I seek leave to have the detailed explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends the interpretation section of the principal Act. A new definition of 'clerk' is inserted to accommodate the possibility of a clerk being temporarily appointed by a magistrate. A definition of 'personal service' is included. This new definition is consequential upon amendments to section 27 proposed by the Bill. Clause 4 amends section 5 of the principal Act. The amendment provides that where a court of summary jurisdiction constituted of justices convicts a person of an offence and a penalty of imprisonment is required by law, or is, in the opinion of the court, warranted by the offence, the court must remand the convicted person for sentence by a court of summary jurisdiction constituted of a special magistrate.

Clause 5 amends section 27 of the principal Act. A new provision dealing with service by post is included in the section. This amendment is relevant to the amendments proposed to section 62d in which it is proposed that a notice of intention to prove previous convictions of a defendant may be served by post. It should be noted that proposed new subsection (3) of section 27 provides that where a summons or notice is served otherwise than by being delivered personally to the person on whom it is to be served, a court or justice may require the summons or notice to be re-served if there is reasonable cause to believe that the summons or notice has not come to the notice of the person to be served.

Clause 6 amends section 27c of the principal Act. This section is part of a Division of the principal Act dealing with service of summonses by post. This Division had previously contained its own provision dealing with setting aside a conviction where there was some reason to believe that the summons had not come to the notice of the defendant. The present Bill proposes a more general provision which will comprehend the procedure which formerly related only to these provisions. Thus section 27c is amended to include reference to section 76a which is the proposed new provision dealing with setting aside convictions or orders where the proceedings in which they were made had not come to the notice of the defendant.

Clause 7 repeals section 27d of the principal Act. This repeal is consequential upon the enactment of proposed new section 76a. Clause 8 amends section 42 of the principal Act. The major amendment here is the proposed new subsection (4) which provides that a special magistrate may appoint any suitable person to act on a temporary basis in the office of the clerk of a court of summary jurisdiction if the office is vacant, or the clerk is for any reason unavailable to carry out the duties of his office. Clause 9 amends section 57a of the principal Act. This amendment enables a defendant who proposes to plead not guilty to a charge to inform the clerk of that intention before the date set down in the summons as the date on which the matter will be dealt with by the court. In that event the clerk will inform the defendant of the time and place at which the court will proceed with the hearing of the charge. The summons will then have effect as if that time and place notified by the clerk were substituted for the time and place fixed in the summons for the hearing of the complaint. This will obviate the need for the defendant to appear at the time and place fixed in the summons.

Clause 10 amends section 62d of the principal Act. The amendments make it possible for a notice of intention to allege previous convictions of a defendant to be served by post. A new subsection (4) provides that if the prosecution tenders a copy of a notice as evidence of convictions it is not precluded from tendering other evidence of the same or other convictions. Clause 11 amends section 72 of the principal Act. The amendment repairs an omission in this section. It provides that an interested party is entitled to a copy of the written reasons for judgment in proceedings before a court of summary jurisdiction.

Clause 12 enacts new section 76a of the principal Act. This new section provides that a person may apply to a court of summary jurisdiction for an order setting aside a conviction or order made by a court of summary jurisdiction. The application must be made within 14 days of the day on which the applicant receives notice of the conviction or order to which the application relates. Where the court to which the application is made is satisfied upon an application under the new section that the applicant did not receive notice of the proceedings in which the conviction or order was made, or not in sufficient time to enable him to attend the hearing, or that the applicant failed to attend the hearing for reasons that render it desirable, in the interests of justice, that the conviction or order should be set aside and the proceedings reheard, the court may set aside the conviction or order to which the application relates. Clause 13 amends section 86 of the principal Act. This empowers a justice who is satisfied either by examination of records of a court of summary jurisdiction or by evidence produced before him that default has been made in the payment of a fine or sum of money, he may issue a warrant of distress or commitment. This obviates the need for evidence to be produced before a justice in a formal manner where the failure to satisfy the order is apparent from the records of the court.

Clause 14 amends section 163 of the principal Act. The purpose of the amendment is to make it possible for the Crown to appeal against an order dismissing a charge of a minor indictable offence. Clauses 15, 16 and 17 make amendments relating to the procedure under which appeals are instituted from judgments or orders of courts of summary jurisdiction. In future an appeal will be instituted by filing notice of appeal in the Supreme Court. Before the expiration of seven days from the date of filing, the notice copies of the notice are to be served upon the respondent and the clerk of the court of summary jurisdiction by which the conviction, order or adjudication subject to the appeal was made. The Supreme Court is given a general dispensing power under proposed new section 165 of the principal Act.

Clause 18 amends section 187a of the principal Act. This amendment deals with certified copies of convictions and orders of the court. The amendment provides that the

certified copy may be certified by the court itself, by the clerk of the court or if the court no longer exists the clerk of a court to which the records of the former court have been transferred, or by the registrar. Clause 19 enacts new section 200b of the principal Act. This section provides for the reciprocal enforcement of fines against bodies corporate in accordance with the recommendations of the Standing Committee of Attorneys-General.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT BILL

Second reading.

The Hon. C. M. HILL (Minister of Housing): I move:

That this Bill be now read a second time.

The Government has recently announced a series of measures to provide additional funding to the Housing Trust in order that it can increase its stock of housing available for rental to persons in need. One of the initiatives announced was to permit the Housing Trust to issue promissory notes. The trust has received approval to raise some $5 000 000 through this method. In order that the promissory notes might be attractive on the market, it is necessary that they are guaranteed by the Government.

At present, the Housing Trust Act provides a Government guarantee to debentures and this bill is intended to expand that guarantee to promissory notes. I am sure all members will agree that the Housing Trust should be able to raise funds on the market using the best instruments available and that this initiative underlines the Government's desire to make as much housing as possible available to those in need. I am sure all members of the Council will support this Bill. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 empowers the trust to raise funds on the security of promissory notes. Clause 3 is consequential upon the amendments proposed by clause 4. Clause 4 provides that the liabilities of the trust under any debenture, inscribed debenture stock, or promissory note are guaranteed by the Treasurer. A new subsection is inserted providing that the investment of moneys in any form of loan or investment with the trust (being a loan or investment guaranteed under section 20c) is an authorised trustee investment.

The Hon. G. L. BRUCE: The Opposition supports this Bill. I congratulate the trust on its initiative in going out into the market place and raising this $5 000 000 through these promissory notes. The trust deserves a great deal of credit for that action, but it does not reflect too much credit on the Government that the trust had to raise this money for housing through its own initiative. An astounding set of figures has appeared on my desk, and I seek leave to have them incorporated in *Hansard.*

Leave granted.

REAL NET PAYMENTS TO THE STATES FOR HOUSING

	$m 1981-82 prices				
	Federal Government payments	State repayment of advances	State repayment of interest	Total State repayments	Net Federal payments
			New South Wales		
1974-75	252.9	13.6	62.1	75.7	177.2
1981-82	84.4	13.1	57.9	70.9	13.5
			Victoria		
1974-75	200.9	11.8	48.9	60.8	140.1
1981-82	59.8	11.0	45.6	56.5	3.3
			Queensland		
1974-75	201.2	3.4	14.8	18.2	183.0
1981-82	33.5	3.5	15.5	19.0	14.5
			South Australia		
1974-75	115.6	4.8	26.9	31.8	83.8
1981-82	35.7	5.1	25.9	31.0	4.7
			Western Australia		
1974-75	76.9	3.4	14.8	18.2	58.7
1981-82	27.9	3.4	15.1	18.4	9.5
			Tasmania		
1974-75	53.5	1.6	9.8	11.3	42.2
1981-82	13.9	1.9	10.2	12.0	1.9
			Six States		
1974-75	789.5	38.6	177.4	215.9	573.6
1981-82	255.2	37.8	170.1	208.0	47.2

The Hon. G. L. BRUCE: I am looking at what has happened with housing. The net payments to the State for housing in 1981-82 totalled $35 700 000, which was made available from Federal Government payments. State repayments of the advances totalled $5 100 000, and State repayments of interest amounted $25 900 000, making a total State repayment of $31 000 000, and leaving only $4 700 000 for housing. That is a shocking situation in this day and age when the demand for housing through the trust is so enormous, especially in the welfare housing area. It is disturbing that the Federal Government has not seen fit to increase the amount, nor has this Minister seen fit to put sufficient pressure on the Federal Government to achieve that end.

The figures show that, in 1974-75, $115 600 000 was made available for South Australia, State repayments of advances amounted to $4 800 000, and State repayments of interest totalled $26 900 000, giving a total of repayments of $31 800 000 and leaving $83 800 000 for housing. That is an enormous difference when one compares the amounts available in the respective years, and I have no doubt the Minister will fill me in on that, giving credit to his Government, although I cannot see where it can take any credit when we consider those figures.

It is deplorable that the Federal Government and the Minister have not been able to get together to produce a better deal for housing the people of South Australia. I congratulate the trust on its initiative in going into the market place and raising $5 000 000 in this way. I understand that it was not so much the initiative of the Government as of the trust. It is deplorable that a situation exists in which funds have been cut to this extent. In saying that, however, we support the Bill, and we congratulate the trust on its initiative and the Government for permitting the trust to issue the promissory notes to make extra money available in this State.

The Hon. C. M. HILL (Minister of Housing): I thank the Hon. Mr Bruce for his support of this measure, and I can well understand his concern that the net amount available from the Commonwealth is so low. I agree that it is most unsatisfactory. At every opportunity, this State is ramming home the fact to the Commonwealth that the net sum

available from Commonwealth sources for welfare housing is not sufficient. For the past 12 months we have been trying to get the Commonwealth to defer some of the repayments of the $31 000 000 that goes back to the Commonwealth from the $35 000 000-odd that comes to us. If the Commonwealth could see its way clear to defer those payments (we are not asking for cancellation of the debt), we would have very much more money available, but the Commonwealth has not seen fit to agree to that proposal. What has been the State Government's alternative?

The Hon. N. K. Foster: Get stuck into the Minister over there, that Country Party clot.

The Hon. C. M. HILL: One could go on and on getting stuck into a Federal Minister, but that does not help the individual South Australian in need of housing. We want to help the South Australian people who are on low incomes, the people whom this Liberal Government not only talks about wanting to help but puts itself out and does help. That is why we have generated huge internal funds for the Housing Trust, to compensate for the unfortunate deal that we are getting at present from the Commonwealth. The trust's capital works programme for the current financial year, because of this great injection of money by the State, is $109 000 000, the highest per capita figure of any Australian State, an increase of more than 39.3 per cent on funds available for housing here last year, and by far the highest ever increase in the history of this State.

That is why this year we have commenced efforts to help these people in need—more than 2 000 new housing units as compared with 1 200 commenced last year. The commencement in the public housing sector in this State this year will be more than 26 per cent of all commencements in South Australia, compared with 16.7 per cent of commencements in the last year of the Labor Government, namely, 1978-79.

The Hon. J. E. Dunford: How does that compare with the rest of Australia?

The Hon. C. M. HILL: It is the highest per capita effort of any State. In 1980-81 the net increase in trust rental stock was 1 760 dwellings—the biggest increase in any one year since 1954-55. We now have more than 44 000 dwellings being let—proportionately the highest number for any State housing authority.

The Hon. J. E. Dunford: You can thank the Labor Government for that.

The Hon. C. M. HILL: I am not thanking it for anything. Its record in this State on housing is dismal compared with the present Government's record. There were 5 868 tenants housed for the first time last year—highest number ever in any one year. In the first four months of this financial year 2 139 tenants have been housed and we are heading for a further record. While I join with the Hon. Mr Bruce in his criticism of the Federal Government, in that it is not giving this State enough welfare housing money, the efforts by the State Government to get on with the job nevertheless, in view of the statistics I have just quoted, are surely highly commendable.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Power to borrow on the security of debentures or promissory notes.'

The Hon. G. L. BRUCE: I listened with interest to the information that the Minister provided on what is happening on the Federal scene regarding the lending of money. It intrigued me when I heard him say that he was trying to look for a deferment of the payment of $31 000 000 that has to be paid back out of $35 700 000. It concerns me when he says that we are not looking to get out of that. What happens if we get the payment deferred? Do interest rates remain the same? Does that $31 000 000 go up? I find that this is a very fascinating exercise on how the whole process works.

What the Federal Government is saying is that it will give $35 700 000 and we will have to pay back $31 000 000, so in effect it gives $4 700 000. That seems to be a massive amount of money in interest rates. Does that interest rate stay the same if there is a deferment, or will the interest rate increase when we have to pay the $31 000 000 back (or some proportion of it) at a later time? I notice from clause 2 that the promissory notes may be issued. What sort of interest do these promissory notes generate on the market? What does the trust offer in the way of interest? It concerns me that the trust has to go out initially to raise $5 000 000, but the best we could do Federally was $4 700 000. The trust (and possibly the Government for backing the trust) is to be commended, but the Federal Government should be deplored because we are raising more money in South Australia for housing this particular year than the Federal Government has seen fit to give us.

The Hon. C. M. HILL: The arrangements that have been concluded with the Commonwealth in regard to the deferment of either principal or interest or both simply are not known at this stage, because the Commonwealth has not been receptive to this particular strategy. I cannot say what would eventually be the terms of such an arrangement, if an arrangement could be achieved. The first point to establish with the Commonwealth which I tried to establish was an agreement in principle with the Commonwealth that it would agree to such a plan and then, of course, the negotiating would have to continue from there. I was trying to apply the same principle in regard to that kind of deferment as some of the lending institutions here have indicated they are prepared to apply with mortgagors who are in difficulty because of the escalating high interest rates. The general principle of deferment is something that is creeping into our housing finance activities at every level.

The Hon. G. L. Bruce: I would approve if the interest rates were frozen.

The Hon. C. M. HILL: I will come back to that. Getting back to the matter concerning the terms and conditions, that could be ironed out if the Commonwealth were prepared to sit down and discuss the proposal, and the question of the interest rate on deferred payments would simply be another item that would be discussed around the table at that time. Whether the interest rate would include some kind of penalty, or whether it would be the same as the existing rate or the same as the current rate applying when the repayment is made, I cannot say at this stage. Frankly, we have not been able to get to that point of negotiating—down to that kind of detail.

All this State was wanting to do as its main thrust was an endeavour to obtain more Federal money, and we said to the Commonwealth, 'Surely you could afford to do this: you could wait a little longer for either the whole $31 500 000, or part of it.' In other words, the State did not try to renege on its indebtedness at all. It simply wanted some generous treatment from the Commonwealth to compensate for the very small net sum that is being injected into welfare housing by the Commonwealth in this financial year. The way things are going, the gap is even getting closer and closer, and in a few years time we may have the ridiculous situation where all the money that we received from the Commonwealth is sent back because of this increasing indebtedness.

The Hon. C. J. Sumner: That is a Liberal Government.

The Hon. C. M. HILL: It is the Commonwealth Government. The other point the Hon. Mr Bruce raised concerned interest rates on promissory notes involved in this Bill. The interest rates will be the current market rates. I am not

exactly sure of the figure at present, but doubtless it would be about 15 per cent, perhaps a little more or a little less. I am the first to admit that that is an unfortunately high interest rate, but what can one do if one really wants to help these homeless people? What will happen is that, when the term of these promissory notes expires (and they may extend for three or five years) comparable borrowing would have to be negotiated and the trust would have to face up to the then market rate. The interest rate then may be higher or lower, but one cannot foresee that with any certainty.

The trust and the Government, because of the great need to keep this capital injection flowing into the housing programme, are prepared (bearing in mind that $5 000 000 compared with $109 000 000 being put in this year is not a large proportion) to bear the current interest rates because of the purpose and objective that we have in mind.

The Hon. G. L. BRUCE: I thank the Minister for his explanation. I rise to put my viewpoint. It appears that the $5 000 000 can be borrowed on the market at fixed interest rates for whatever term is decided upon. The home buyer has no such protective cloak over his deal because his interest rates get locked into the system. Eventually the trust may borrow $5 000 000, but the home buyer is put on adjustable interest rates throughout the life of the loan. That is very disturbing. In the early days the trust had a different policy. I was a recipient of a trust home and we had a 10-year moratorium on interest rates. They could not be reviewed for 10 years. It was written into the agreement with the trust. That was very beneficial as my wages were inflating but the payments on my home remained the same. However, after that 10-year period we had two rapid interest rate increases within three years which made a big difference.

The same deal that the Government is doing on raising money does not seem to be reflected for the poor unfortunates (and I say that with consideration). I would like to see an attitude that the money raised on fixed interest rates is passed on to the consumers. It is very hard because somebody borrowing money on the new interest rates pays an exorbitant amount to compensate for those who have low interest rates. It seems to be a double-edged sword: money is borrowed at a fixed rate but the benefit is not passed on to the consumer. I feel strongly about that issue.

The Hon. C. M. HILL: It is necessary for me to explain the situation in some detail. First, the Housing Trust does not now construct houses for sale, so this money which will be raised through the promissory note plan does not go into houses for sale and therefore the high interest rate is not passed on. The trust at the moment has been stopped from building houses for sale; it is there as the public housing authority to provide rental housing for the very long list of people who are applying for such accommodation. Those people cannot afford to rent accommodation on the open market and therefore it is the State's duty to put a roof over their head. They are people in the lower income brackets, on pensions, on unemployment benefits; they are elderly citizens and people who would be in terrible straits if the State did not help them. This Government believes in helping people who cannot help themselves. It applies to housing just as it applies in other areas.

The Hon. N. K. Foster: You deny them the right to help themselves.

The Hon. C. M. HILL: That suggestion is quite ridiculous. As to lower interest rates on housing loans pertaining over long periods, that did occur when the Hon. Mr Bruce bought his first house. It occurred when I bought my first house. Those days of lending in that form have passed and now all lending authorities reserve the right to readjust their interest rates over short periods of time. It may seem rather cruel to the occupants but, if the occupants pay a fair interest rate, it means that there will be more revenue for the lending institutions.

If lending institutions have more money, that results in more loans being available for the people in the queue who do not actually have a house, so you are either going to pay reasonably high interest rates as a house owner (high rates relative to the current market) or you are going to pay low interest rates, thus preventing other people from gaining loans. It is a question that must be looked at with a considerable degree of balance. I think that, in the current situation, when the young borrow they expect a revision of their interest rate in a much shorter time than was the case years ago. This is relatively fair, bearing in mind the great number of people who do not have a loan and who could be helped if that interest rate is kept somewhere around market level.

The Hon. G. L. BRUCE: I find the Minister's answer fascinating. This is a short Bill, and the Opposition is not opposing it. I am intrigued by the Minister's reply, which shows the Government's philosophy. I think that there should be a moratorium for one or two years on new home loan interest increases. I know of home buyers who now face increases in their interest rate every three or four months. I also know of a situation where, within two years, interest rates increased the repayment on a loan by $80 a month. That gives the new home buyer little opportunity to consolidate while he is buying his home. The other thing that intrigued me, and of which I was not aware, is the fact that the Housing Trust is out of the home purchase market. How long has that policy been in force?

The Hon. C. M. HILL: That policy has been in force since the people put this Government into office. It did take some time for the Housing Trust to readjust its programme. The present Government believes that houses built for sale should be built by the private sector. The present Government also believes that a State instrumentality should get out of that area so that private enterprise can expand. We, therefore, are concentrating on building houses for rent.

The Hon. J. R. Cornwall: Housing Trust houses were always built by private contractors.

The Hon. C. M. HILL: Yes, but they were still built under the supervision of the State. This Government does not believe that the State should be involved in something that private enterprise can do. That principle was one of the platforms on which this Government was elected. It has honoured that promise, and the trust's programme now means increased houses being built—1 200 last year increasing to 2 000 this year. All of those houses are going to people whose incomes are low and who are in extreme need of rental housing accommodation.

The Hon. N. K. FOSTER: I wish to make some criticism of what the Minister has been saying for the past few minutes. I realise that he has had to stray from the stage of the Bill we are discussing at the moment. All the Minister is doing through this Bill is borrowing against those who will be entitled to a house in three, five or seven years hence; all the Minister is doing is putting off the evil day of reckoning. The Minister is in fact passing a burden to an incoming Government. The Government has taken this course because of its inability to stand up to a Federal Government that is unfeeling and unworthy of its place. The time between the commencement of the purchase of the land and the letting of a house, or the actual handing over of the keys, is about seven years.

That type of programme will be reviewed by the new Government in 12 to 18 months time. The Minister of Housing and his State and Federal colleagues have been wanting in this area for some time. The Minister can smile

about this matter; he is incompetent. Fraser has recognised that fact but he is locked into the system. Because of the system, the Country Party must have a certain number of Ministers in the Cabinet. McVeigh has been made Federal Minister of Housing because of that undertaking and for no other reason.

The CHAIRMAN: Order! I do not wish to inhibit the honourable member's contribution, but I point out that we are now in Committee.

The Hon. N. K. FOSTER: I thought that you would pull me up, Mr Chairman, but I note that you did not call any other member to order. I urge the Minister to make much stronger public statements about this matter. In fact, the Minister should initiate a public meeting on this question. If the Minister thinks that a trade-off in interest rates will be of benefit to the homeless of this State he should look at the situation in United States. The housing recession which is occurring in the United States has been brought about by interest rates which, in some areas, are as high as 25 per cent to 30 per cent. Either the Minister has not done his homework or he is acquiescing in what the Federal Minister has said. I suggest that the Minister ask Senator Hill to take up the cudgels for South Australia.

Clause passed.

Remaining clauses (3 and 4) and title passed.

Bill read a third time and passed.

TEA TREE GULLY (GOLDEN GROVE) DEVELOPMENT ACT AMENDMENT BILL (No. 2)

Second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

This amendment to the Tea Tree Gully (Golden Grove) Development Act will enable the development committee to require developers to contribute, in lieu of public open space, an amount of $100 per allotment into a trust fund which will be used towards the costs of developing reserves, community facilities and other projects which will be of direct benefit to the future residents of Golden Grove. The special legislation for Golden Grove enables the development committee to administer a flexible and streamlined planning process for the area. In particular, the committee can support the private sector development industry by introducing initiatives of the type proposed.

The committee believes that this proposal will enable a rationalisation of the requirements traditionally placed on a developer for 12½ per cent of land in a subdivision scheme to be dedicated as open space. This is easily achieved, because the land is currently held in public ownership. The concept requires that all public recreation reserve land in Golden Grove will be identified prior to sale of the land by the Land Commission (Urban Land Trust) to developers.

This reserve land (representing about 25 per cent of total development area) will then be transferred direct from the trust to the council. Accordingly, there will be no requirement on developers in Golden Grove for land under the ownership of the developers to be set aside for public open space purposes. In lieu of this requirement the committee proposes that all developers should contribute an amount of $100 per allotment into a trust fund and that this money should be used to develop within Golden Grove reserves, facilities and projects to meet the needs of the area's future population. The development committee, in close liaison with the Tea Tree Gully council, will be responsible for ensuring that the funds are allocated accordingly.

The principle of a fee being payable by developers into a fund in lieu of open space contributions is consistent with proposals under the new planning legislation for councils to require developers to pay to the council an amount prescribed by regulation. The prescribed amount under the new planning legislation will of course need to be greater than the $100/lot proposed for Golden Grove, as the new legislation will apply in areas where public open space areas have not been previously divided out and vested in the council.

Discussions on this proposal have been held between the development committee and representatives of the private sector development industry and this proposal is submitted with the knowledge and acceptance of those representatives, subject to there being reasonable control on any movement in the level of the fee.

I seek leave to have the details of the clauses inserted in *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 empowers the Governor to provide, by regulation, for the establishment and administration of a fund to be applied for the benefit of the development area. The regulations will provide for contributions to be paid by developers upon submission of subdivision plans to the committee for approval.

The Hon. FRANK BLEVINS: The Opposition supports the principle of this Bill. We have one quarrel with one clause of it, but I will deal with that in Committee. As the Attorney-General said in the second reading explanation, it is common practice, during the development of building allotments, for developers to set aside certain areas of land for recreational and other purposes. Obviously, that is a sensible proposition. No-one likes to see a subdivision of wall-to-wall housing, with no areas for open space, recreation, or other purposes. The Golden Grove development apparently is unique, and it is one of which the Labor Party is especially proud, because it was instituted under our Government, and we feel that the people who live in the area will benefit from the special provisions that we required of the developers.

Because this subdivision was set up in such a unique manner, there is already apparently within it about 25 per cent of the land devoted to open space, so the requirement for the present developers to comply with the general practice is not really necessary; the land is already there and reserved for open space. An audit of that will be taken, and eventually it will be transferred from the trust to the council. However, this Government, quite properly, is not going to let the developers get off quite so easily. Whilst there is no necessity for them to transfer land or set land aside, the Government has quite properly decided that, in lieu of that proposal, the developers will have to pay $100 per developed allotment into a fund for development within Golden Grove for reserves, facilities, and so on, so that the people living there can benefit from them as soon as possible and, hopefully, far into the future.

This is a new proposition. It is consistent, as the Attorney-General said, with proposals under the new planning legislation for councils, and it is appropriate that that provision apply in this particular development. The Opposition would argue about the amount of money to be transferred. My information at this stage is that, under the new legislation, the amount payable by developers in areas other than Golden Grove will be considerably higher. The Opposition is not convinced that there is any necessity whatsoever to make an exception for the developers in the Golden Grove region, as those developers are developing under the principal Act.

I will be seeking during the Committee stage to amend clause 2, to bring it into line with the Planning and Development Act. The Opposition thinks that that is a proper thing to do. Apart from that one matter, the Opposition is happy to support this legislation.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

HARBORS ACT AMENDMENT BILL (No. 2)

Second reading.

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

The jetty at Rapid Bay is currently privately owned by the Broken Hill Proprietary Company Limited and was constructed by that company in accordance with the provisions of the Broken Hill Proprietary Company's Indenture Act 1937, which also provided for the establishment of a blast furnace at Whyalla and associated facilities there and at Rapid Bay. Broken Hill Proprietary Company Limited now proposes to discontinue its operations at Rapid Bay but similar operations will be undertaken at that port by Adelaide Brighton Cement Limited.

B.H.P. has now offered to transfer the jetty free of cost to the Minister of Marine. Adelaide Brighton Cement Limited will acquire from Broken Hill Proprietary Company Limited the conveyor system located on the jetty. Following the transfer of ownership of the jetty structure to the Minister of Marine, a formal agreement will be prepared for the occupation of the jetty structure by Adelaide Brighton Cement Limited for the purposes of the conveyor system. An early settlement of the matter has been sought by both companies who request that the transfer become effective from 1 January 1982.

The purpose of the present Bill is therefore to transfer the jetty to the Minister of Marine to be administered by him in accordance with the provisions of the Harbors Act. Consequential amendments are made to the Broken Hill Proprietary Company's Indenture Act, 1937-1940. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 enacts new section 35 of the principal Act. This new section transfers the jetty to the Minister of Marine and provides that its operation will no longer be governed by the indenture under which it was constructed. Clause 3 makes consequential amendments to the Indenture Act and to the indenture.

The Hon. N. K. FOSTER: The Opposition supports the Bill and understands that the indenture is amended in accordance with what is required to ensure that the facility continue. Adelaide Brighton Cement has acquired that portion of the area which ensures that some employment will continue. For that singular endeavour the Government—

The Hon. Frank Blevins: Don't commend the Government.

The Hon. N. K. FOSTER: I am not commending the Government—I am suggesting that it has happened and that the Government should be thankful that this situation has obtained, because it is contrary to most of its policies, if one looks at what it does in the public sector. I will be interested to hear the comments of the Hon. Mr Laidlaw, because this Bill gives him control. He will not have to worry about driving the nail and spikes to ensure that the jetty is maintained, because it is well maintained.

The Opposition is pleased that a community will remain at Rapid Bay and that the area will remain suitable for people wishing to retire there. I understand the enterprise does not interfere with other activities involving the operations. Finally, I would like the Hon. Mr Laidlaw to tell the Council in greater detail why B.H.P. no longer requires the mineral deposits from Rapid Bay and imports its future requirements from Japan.

The Hon. D. H. LAIDLAW: I wish to declare that I have a conflict of interest in this matter, because Adelaide Brighton Cement has agreed to purchase most of the facilities at Rapid Bay and to pay normal harbor charges to the Marine and Harbors Department to use the jetty to load limestone, and I happen to be Chairman of the company. Honourable members may be interested to know more of the background to this transaction than was revealed in the Minister's second reading explanation.

Around 1940, B.H.P. opened a quarry at Rapid Bay, about 40 miles south of Adelaide, in order to obtain limestone for use as flux in its Whyalla blast furnace. However, the limestone contains a rather high silica content and B.H.P., in its blast furnace, likes to have limestone with a silica content of less than 4 per cent.

In recent years, B.H.P. has been exporting iron ore pellets to Japan from Whyalla and it is able to obtain a limestone with less than half of 1 per cent silica. As it has been able to get a good back-loading rate on these ships taking the iron ore pellets from Whyalla to Japan, it prefers to use the Japanese limestone as a flux.

The Hon. N. K. Foster: Despite all the limestone that we've got.

The Hon. D. H. LAIDLAW: It has a higher silica content, and B.H.P. decided—

The Hon. N. K. Foster: After 40 years of mining limestone?

The Hon. D. H. LAIDLAW: The making of iron ore is becoming more sophisticated; it is made to higher specifications, and that is the problem. B.H.P. decided that the Rapid Bay operation should be closed. The operation consisted of a quarry near the coast, stone crushers, a T-head jetty and a conveyor along the jetty with loading gear, and a township of about 30 houses. The company employed about 20 men on the site and kept 10 houses for retired employees.

Some months ago B.H.P. advised the Department of Mines and Energy that it was going to close Rapid Bay. Needless to say, the Government was loath to see the facility close because, apart from desiring to continue employment, Rapid Bay is used by many fishermen, especially when winds are blowing from the south or the east, when it is used by small boats for either shelter or landing in times of bad weather.

The Government approached Adelaide Brighton Cement and others to ascertain whether anyone would take over B.H.P.'s interest in Rapid Bay. The cement company also owns a limestone quarry at Kleins Point on Yorke Peninsula and brings limestone daily by ship to Birkenhead to feed its cement kilns. From time to time it has brought a shipload from Rapid Bay when the Kleins Point facilities have been closed for maintenance, break-down or the like.

I have said that the limestone at Rapid Bay contains a high silica content, but in making cement one can use limestone with up to 10 per cent silica, as long as it is blended with other more pure material. Rapid Bay limestone could be used by the cement company so long as it was mixed, when it got to Birkenhead, with limestone from

Kleins Point. However, the facilities at Kleins Point are being used to capacity and Adelaide Brighton Cement would have needed to expand crushing capacity there in order to fulfil its new export orders to sell cement in California. An alternative was to take over Rapid Bay and operate both quarries in the future. After negotiating a price with B.H.P., the cement company decided to purchase the facilities.

A number of the employees at Rapid Bay have been offered employment elsewhere by B.H.P., and I understand that the remainder will transfer to the cement company, while a few just want to go fishing. The T-head jetty section has been renewed in recent years by B.H.P. and is in good condition, but the cement company did not have the facilities to maintain the jetty or undertake piling work, which is part of the normal function of the Department of Marine and Harbors. It seemed a sensible arrangement for the Government to maintain the jetty (other than the conveyor along the jetty, which has to be rebuilt in part because it is rusty), and for the department to charge the company for the use of the jetty on a normal commercial basis. I understand that, subject to the passage of this Bill, a final arrangement will be prepared to facilitate the use of the jetty.

The Hon. N. K. Foster: Will you be lord warden?

The Hon. D. H. LAIDLAW: We could have a nice village for geriatric Parliamentarians, because it is a nice spot. There is one hitch: the adjacent landowner had an expensive bull which broke its leg when it stepped in a hole which the landowner claims B.H.P. dug—

The Hon. K. T. Griffin: It's *sub judice.*

The Hon. D. H. LAIDLAW: Therefore, I will not discuss the bull any longer. I support the Bill.

Bill read a second time and taken through its remaining stages.

SEEDS ACT AMENDMENT BILL

Second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

The principal Act to which this amending Bill refers, namely, the Seeds Act, 1979, was passed by Parliament in March 1979, but has not yet come into operation. The concept of the Seeds Act, 1979, is new to the area of seed merchandising in Australia. It is designed to ensure that transactions involving the sale of seed take place on a fair and informed basis.

The Act requires detailed information to be given by the vendor of seeds to the purchaser at the time that the sale takes place. In this way the purchaser will be able to purchase seed of the exact quality required. Previously, under the Agricultural Seeds Act, 1938-1975, seed could be sold if it met specified minimum standards of germination and purity which were often quite low. The purchaser did not have direct access to information as to the content of undesirable weed seeds. In practice, trade in substandard seed was possible and difficult to detect.

The amendments presented in this amending Bill concern two areas. First, some changes have been made to the form and content of information required to facilitate uniform labelling between States. Since the passing of the Seeds Act in 1979 other States of the Commonwealth have decided to enact this type of legislation. After considerable dialogue between States and for the sake of uniformity it was considered necessary to make minor amendments to the Seeds Act, 1979, before the Act is brought into effect. Uniformity in the form of information required at the point of sale is very important to the seed industry of South Australia as this State is primarily a seed exporter.

Secondly, further definition is given to exemptions from the labelling provisions for genuine farmer-to-farmer transactions of the main high volume, low-cost field crops. It is the intention that sales of the major field crops between farmers in close proximity should not be restricted, provided these transactions do not form a regular seed sales business but are conducted on an ad-hoc, incidental basis. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends section 7 of the principal Act. The amendment made by paragraph *(a)* will require a seller to provide the buyer of seeds with a written statement instead of a statement 'in the prescribed form'. The prescription of a detailed form will, in its application to some sellers, be too restrictive. Paragraph *(b)* inserts new paragraphs *(ab)* and *(ac)* into section 7 (3). The new paragraphs make a distinction between the seeds that constitute the bulk of the parcel sold and those seeds that are included unintentionally in small quantities. The statement must show the proportion by mass of the principal species and the proportion by number of the other species. The latter proportion will be expressed in the prescribed manner. This will usually take the form of the number of seeds for every specified unit quantity of the material sold.

Paragraph *(c)* makes an amendment the effect of which will be that the information as to the germination of seeds will apply only to the principal species. Paragraph *(d)* inserts a new paragraph *(d)* into section 7 (3) of the principal Act. The new paragraph relates the proportion of inert matter to the mass of all the material sold. The terminology is changed from 'extraneous matter' to 'inert matter'. The latter term is used internationally and its use is desirable for reasons of conformity. Paragraph *(e)* replaces paragraph *(e)* of section 7 (3). The effect of the change is to relate the information required to chemical treatment during processing of the seeds.

Paragraph *(f)* makes an alteration of a drafting nature. Paragraph *(g)* inserts new subsection (5a) into section 7. In many cases it will not be possible to provide information required by section 7 that is precisely accurate. This subsection will enable limits of accuracy of a realistic standard to be set in accordance with international standards and to be varied from time to time as required. Paragraph *(h)* replaces paragraph *(b)* of subsection (6) with a provision that requires the vendor of seeds to have a reasonable expectation that they will not be used for germination or propogation if the sale is to escape the requirement of section 7. Paragraph *(i)* inserts a provision consequential on new subsection (7). New subsections (7) and (8) are inserted by paragraph *(j)*. Subsection (7) allows for exemption by regulation and subsection (8) provides definition of terms used in section 7. It is desirable that the percentage that determines whether a species is classed as a principal species should be prescribed so that uniformity with other Australian States and with other countries can be maintained.

Clause 4 amends section 8 of the principal Act. Paragraph *(a)* replaces paragraph *(b)* of section 8 with a provision that requires the purchaser to have given certain undertakings if the defence under that paragraph is to be established. Paragraph *(b)* replaces subparagraphs (ii) and (iii) of paragraph *(c)* with new subparagraph (ii). Paragraph *(c)* increases the distance referred to in subparagraph (iv) from 30 to 50 kilometres. Clause 5 amends section 12 of

the principal Act so that the maximum penalty that can be imposed by regulation is increased to $500.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

SOUTH AUSTRALIAN COUNCIL FOR EDUCATIONAL PLANNING AND RESEARCH ACT REPEAL BILL

Second reading.

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

It provides for the repeal of the South Australian Council for Educational Planning and Research Act, 1974-1975. The South Australian Council for Educational Planning and Research ceased to function when the previous Government withheld funds for the body. This Government is also of the view that the Council is no longer required and should be disbanded and, accordingly, this Bill provides for the repeal of the Act establishing the body. Clause 1 is formal. Clause 2 provides for the repeal of the South Australian Council for Educational Planning and Research Act, 1974-1975.

The Hon. J. R. CORNWALL: I hope the Council will notice that I am so well informed in these matters that I can proceed immediately. It is not a terribly complex Bill, and I am able to understand easily what it is about. The recommendation that the South Australian Council for Educational Planning and Research Council be set up was first made by the Karmel Committee in 1970. The council was eventually set up by the Dunstan Government in 1974. Over a period of time, it became a relatively large bureaucracy. At one stage, more than 25 people were employed within the council. Unfortunately, despite the high hopes that had been expressed by the Karmel Committee when it made its recommendation to set up the council, it did not live up to the aspirations or early expectations. In fact, the former Government stopped funding it in 1978, and since then I understand it has become what my colleague the shadow Minister for Education has called a moribund shell.

We support the Bill, but our support should not be taken as any indication that we do not think there is a very valuable role for educational research in this State and indeed in this nation. It should be firmly on the record that, although quite obviously we support the Government in formalising something which we did *de facto* three years ago, we indicate, as an alternative Government, that we strongly support educational research. I repeat that we believe it has a very valuable role in South Australia and in Australia generally.

Bill read a second time and taken through its remaining stages.

PARKS COMMUNITY CENTRE BILL

Consideration in Committee of the House of Assembly's amendments:

No. 1. Clause 5, page 2, lines 33 and 34—Leave out 'a member of the staff of the Centre elected by the staff of the Centre in the prescribed manner' and insert 'appointed or elected in accordance with subsection (4a)'.

No. 2. After line 41 insert subclauses as follows:

(4a) For the purposes of subsection (2) *(c)*, the Governor shall appoint a person nominated by the Minister after consultation with the staff of the Centre to be a member of the board, and where a vacancy occurs in the office of that member, the successor to that office, and all subsequent successors, shall be elected by the staff of the Centre in the prescribed manner.

(4b) A person is not eligible for appointment or election under subsection (4a) unless he is a member of the staff of the Centre.

No. 3. Clause 7, page 4, line 7—After 'section 5 (3)' insert 'or 5 (4a)'.

No. 4. Clause 8, page 4—After line 24 insert subclause as follows:

(1a) The staff of the Centre may elect, in the prescribed manner, a member of the staff to be the deputy of the member of the board elected to office by the staff of the Centre.

No. 5. Line 25—Leave out 'an appointed' and insert 'a'.

No. 6. New clause, page 8—After line 21, insert new clause as follows:

20. *Financial Provisions*—(1) As soon as practicable after the commencement of this Act, the Centre shall submit to the Minister a budget showing its estimates of receipts and payments over the balance of the financial year within which the budget is presented, and thereafter the Centre shall before the commencement of each succeeding financial year, submit to the Minister a budget showing its estimates of receipts and payments for that succeeding financial year.

(2) The Minister may approve, with or without amendment a budget submitted to him under this section.

(3) The Centre shall not, without the consent of the Minister, make any expenditure that is not authorised by a budget approved under this section.

(4) The Centre may, with the consent of the Treasurer, borrow money for the purpose of enabling it to perform its functions and discharge its duties under this Act.

(5) A liability incurred with the consent of the Treasurer pursuant to subsection (4) is, by virtue of this section, guaranteed by the Treasurer.

(6) A liability of the Treasurer under a guarantee arising by virtue of subsection (5) shall be satisfied out of the General Revenue of the State, which is, by virtue of this section, appropriated to the necessary extent.

(7) The Centre may, with the approval of the Treasurer, invest any of its moneys that are not for the time being required for the purposes of the Centre, in such investments as may be approved by the Treasurer.

The Hon. C. M. HILL: I move:

That the House of Assembly's amendments Nos. 1 to 5 be agreed to.

The first five amendments were suggested to me by people from the Parks Community Centre. They are supported strongly in their suggestions by the Joint Staff Working Party at the Parks and by the interim board. I think I reported to honourable members earlier that I had a copy of the Bill, as soon as it was presented to the Parliament, sent to the groups at the Parks in accordance with a promise I had made. They perused the Bill and came back with various suggestions.

The most important of those suggestions was that, in the first instance, the staff representative on the proposed new board be appointed by the Minister for the first 12 months, after consultation with the staff. The reason for that was that if the Bill proceeded in its present form the first appointee would not have been able to be appointed until February or perhaps even March of next year. Approximately one-third of the members of the staff are involved with education, and those members have their leave period in January. The Government is most anxious to have the board appointed and to give this new board its statutory powers. Hopefully, that might be done at the end of this calendar year. If this were not done the first board would have to meet on one or two occasions without a staff representative being present. That was something about which neither I nor the people at the community centre or the staff were happy.

It was suggested that I make the initial appointment for the first 12 months, after consultation with staff, but that thereafter the staff representative be appointed to the board under the provisions laid down in the Bill. Of course, during that 12 months regulations setting out the election procedure and other details could be put in train. It was a means

of helping the staff have a representative on the board from the time of the board's establishment.

The second point that the staff and the interim board raised was that, whereas the Minister's nominees would have deputies so that if those nominees could not attend board meetings the deputy could attend, as the Bill was drafted the staff representative would not have a deputy in the same manner. I think it is fair and proper that the staff representative should have a deputy, because that representative might be on holidays or away for one or another reason at the time of a meeting and the staff should be represented, in my view and in the Government's view, at all times. That is the explanation for amendments 1 to 5, which were initiated by people at the Parks, agreed to by me and the Government and inserted in the other place because, by the time we were able to draw up the amendments in the legislative form, the original Bill had already passed this Council and was in the House of Assembly.

The Hon. C. W. CREEDON: The Opposition is supporting amendments 1 to 5. As the Minister said, they deal with staff appointments to the board. About one-third of the staff are people involved in education who will be on holidays until 3 February, and until then will not have an opportunity to elect a representative. The staff has agreed to have immediate representation on the board, with the Minister's agreement, and that will become operative from the end of this month. We see that as a logical step that should take place. It would be the logical thing to do for people who are entitled to that representation, even for a short period of time.

In future, once the regulations come into effect, board members will be elected by the staff. Amendment No. 3 is consequential on amendment No. 2. It is probably one of the most important amendments, because it allows a member of the board to have a deputy; this ensures that the staff is represented at all times. If the person appointed is absent, his deputy can take his place. Amendment No. 5 is merely a drafting amendment. Agreement has been reached on these amendments following representations to the Minister and to the Leader of the Opposition. The Opposition supports the amendments.

Motion carried.

Amendment No. 6:

The Hon. C. M. HILL: I move:

That the House of Assembly's amendment No. 6 be agreed to.

This amendment deals with the financial provisions which were envisaged in the original Bill but could not be dealt with in this place because they are contained in a money clause. This clause has been inserted in the Bill in another place and now requires final approval by the Committee.

The Hon. C. W. CREEDON: The Opposition supports the amendment. As the Minister has said, this Chamber does not deal with money clauses. My colleagues in another place have agreed to this amendment.

Motion carried.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 December. Page 2378.)

The Hon. N. K. FOSTER: The Opposition supports this Bill. Members who have been in this Chamber longer than I may recall the great controversy that raged in 1968 when the then Premier, Mr Hall, very stealthily introduced a measure into another place one afternoon to change the status of Mr Currie, who was held in high regard in industrial circles throughout Australia. He spoke fluent Japanese and had very wide contacts throughout Japan. However, without rhyme or reason the then Premier saw fit to remove him.

The corporation was established to assist commerce and industry in the interests of this State. When it was first established it caused bitter debate and several motions of no-confidence in the Government. The Liberal Party's philosophy in relation to Bills of this type, that industries should look after themselves, is a very different approach from that adopted in other States and in other countries. No-one can deny that the corporation has had its share of failures. However, failure is a fact of life. There were failures in colonisation; there are failures in the banking system; and there are failures among newspaper proprietors. Failure is nothing new. It is always easy to pick on something because it has failed. I suppose failure goes hand in glove with success. The Government has referred to the so-called failure of the corporation in relation to the Allied Rubber Company. At that time the Liberals were in Opposition and they condemned the corporation over that matter.

The Hon. D. H. Laidlaw: Hear, hear!

The Hon. N. K. FOSTER: The Hon. Mr Laidlaw will be following me in this debate and no doubt he is better qualified to speak on this matter. I expect that the Hon. Mr Laidlaw will take the opposite view: that is his right. At that time it was suggested that Allied Rubber was about to go to the wall. I could refer to many press clippings about this matter, but this Chamber has already been subjected to two tortuous sittings in the last two days, so I will spare honourable members and *Hansard* any further torture by not reading them. I will not read the newspaper reports which state that Allied Rubber bounced back.

The then Opposition criticised the Government in relation to this matter and in relation to the Frozen Food Factory, which the present Government has given away to I.X.L. I could also refer to debates in another place in relation to a number of projects in the Riverland which were established by the previous Government. However, no good will be served be repeating all the allegations and denials. We will see the results in three years time through the social stripping of certain areas by the present Government.

The Frozen Food Factory did not have to be rescued. It was a matter of allowing one of the business associates or one of the companies known to members opposite to acquire an asset to which they had no entitlement, in principle or on moral grounds. It was quite immoral to do what was done with that project. The Riverland area of commerce has been a cause of worry and concern to Governments of both political persuasions. The origin of the bother was the fact that Australia did nothing but criticise rather than to join in the formative years of the European Economic Community. Much of the produce of the Riverland went to the markets of the United Kingdom and the Eastern European bloc. A similar story applied to other primary produce, and deep scars have been left in the Riverland area, as well as in the fruitgrowing areas of Victoria and, to some extent, New South Wales.

The dairying industry has been faced with similar problems, because almost overnight Australia lost its markets. There was a necessity for some form of aid to that industry. Another indicator was what happened in the B.H.P. shipyard at Whyalla. That was not an E.E.C. problem, but one related to the amount of tonnage produced by the Japanese, who paid no regard to the concept of understanding the other shipbuilding industries in the world in forming themselves into an authority. There is a necessity for such an authority from time to time. With the fluctuations of the economic climate, different policies are seen in different lights through different eyes. It is a great tragedy that the

Government has virtually torn up the old understanding and replaced it with the structure embodied in the Bill. I do not like Treasury having any say, and I do not think anyone outside this building likes that, either. Under the Bill, Treasury is required to have a great deal of say in the matter, and it can act only by way of matters recommended to it by the committee.

That could be very easy for some people who have greater access to the committee than have others. Treasury will have the responsibility of approving the project or otherwise, not necessarily on the basis of what is written in the document before us, but rather what is not in it. If one does not get the nod from Treasury, one is not likely to receive the acceptance of the recommendation from that body. I do not see that this is a great fillip to industry. There are such economic corporations and committees in British Columbia and Alberta, and it might be interesting to note that in Saskatchewan a considerable amount of assistance, direct and indirect, has been given in relation to the uranium deposits there, and the State Government of Saskatchewan saw a need for this type of legislation.

I do not intend to refer to the number of companies, the number of occasions, and the number of reports. I have the reports of the Development Corporation and others from 1978 to 1981. The brevity of this debate is not through any lack of material to put the position at greater length than I have done. Rather, it is because time does not permit, on the basis of an understanding. The facts have been pointed out capably by the Leader of the Opposition in the other place and by other speakers who have followed. The Opposition has been able to point out to the present Minister who has responsibility for the carriage of the Bill that he has been found wanting in putting forward solid and constructive arguments.

I can only hope that the Bill will be broadened so that the body can function as the previous corporation functioned. Obviously, the corporation had its shortcomings, but if that is the case it should not be knocked off entirely, as is done by this Bill. It is being said that that body is being replaced; the introduction of Treasury into the matter almost sounds its death knell.

The Opposition objects to the manner in which the Government has seen fit to deal with the present situation in introducing a measure of this kind. I hope that speakers in support of the Bill will not cement themselves into an attitude that means that they will not be able to broaden it to meet ever-changing needs. The corporation has had a difficult time in the past two years. Most of its existence has been in a period of growth, but there has not been growth in industry in the past two years in the areas to which this Bill is addressed.

We have seen a complete change in industry in South Australia. The whitegoods industry has shrunk considerably. The previous Government decided to rescue it, and that rescue attempt was successful, but others were not. Wilkins, at Elizabeth, was encouraged, only to fall by the wayside. I could refer to Hallett Bricks and to B.H.P., which is down by 350 in one sector in the area of employment. Sola is another case that comes to mind as almost going to the wall. One of the principal objects of a measure such as this is to ensure that there is not the closure of companies to the extent that they have been closing in and around Adelaide in the past two years, throwing out of work many people who would have little or no chance of gaining employment elsewhere.

I wonder whether the Hon. Mr Laidlaw, who will follow me in this debate, can say that there is a specific industry that, within the next few weeks or months, will be revived or assisted by the passage of the present legislation. I would be interested to hear his answer. I wonder whether those who have left this State in the past few years will be able to return within the next few months. I wonder whether or not there will be a revival of areas of the building industry that have closed down over the past two years, particularly the last two or three months.

If the Hon. Mr Laidlaw wants to convince the Opposition that it should change its attitude on this measure, he will have to do better in his reply than the Government did in the House of Assembly, where Liberals generalised and said that the measure was there for a general rather veiled motive. The Opposition wants to hear specifics, not a lot of rot about Roxby Downs and the job generation that the pipeline will produce, to the extent that figures have been bandied around in both Chambers. One has to qualify the generator effect.

It is only in the transitional or structural state of that pipeline that one can say that there will be an increase in employment. One then has to look at the debit side. If one looks at the labour intensive operations that were necessary and were drawn together by the Snowy Mountains Hydro-electric Authority, and if one considers the boasts made about that in the days of the Liberal Government, one should remember that they completely banned and boycotted that proposal, almost to the point of childishness.

I make the point that there are now about six to eight people there running the whole show. The pipeline will be the same. One should realise that the great majority of people in the building industry, as in Whyalla in the steel mills and other projects in this State of years gone by, come from interstate.

Let me deal with the false figures that Mr Tonkin, Mr Brown and the retail industry have used in saying that they are employing more people. I will not deny that in some areas there has been an increase in the number of people that have been employed; there is no doubt about that. Some people in my own Party quite stupidly think that job-sharing is a great thing and is of benefit to those who are unemployed, but that is quite false. It is all right for two people to share a job if they are both enjoying a salary range between $15 000 and $30 000 a year. The Hon. Mr Laidlaw knows full well that a boilermaker at Perry Engineering can ill afford to share his job on the basis that he is going to be there for three days a week and that somebody else is going to be there for two, and that there is to be an alternation, so that the next week somebody else does three days and he does two. People can exist in a situation like this only if there is a doubling or trebling of the wage. Job-sharing is false, wrong and immoral. It is a sharing of poverty, except in the very high academic area and in professional areas, where they can afford the luxury of driving to work in their two Volvos, one person one day and the other the next; one person one week, and the other the next.

This situation is not good enough and I see the concept as being quite wrong. The Minister made great play of this. I received correspondence about 12 months ago from a Mr Dawson in the retail industry who said that they had created thousands of new jobs. He wrote to members of Parliament in respect of the matter. I have a great respect for Mr Dawson. I wrote to him and said, 'Yes, that is true, but would you please give me the breakdown in man hours.' I did not hear anything from Mr Dawson in response to that request, for obvious reasons.

The figures are more manifest today then they were then. The figures then indicated that where, in round numbers, 10 000 people (mainly females) worked in one particular area, there may now well be 15 000, but the amount of hours worked in totality now is a third less. If one goes into a retail store on Mondays in Adelaide, one has to take one's place behind other people in queues, because those shop

assistants who normally worked on Saturdays and Mondays have now been driven out. Therefore, the figures can show that there are more people working in that industry, but do not show that five of them are sharing a wage that ought only go to one person. Therefore, the man hours have dropped considerably.

I would like to hear the Hon. Mr Laidlaw, who follows me in this debate, relate that to technology. I fail to see why women shoppers in the community do not rebel in the stores of the State when they have to do their own serving, pick up their own article, identify it themselves—all with an absolute lack of assistance from the retailers. Retailers say that this is necessary because of wages and conditions. I agree that the wage structure now is much better than it was a few years ago, but people ought not to be forced into poverty and to become destitute, just to uphold the economics of the capitalistic system. That is not good enough; you have to put people before capital. If you do not do this you will ultimately reach a threshold point, and retailers will wonder where the market has gone.

One wonders whether there has been any research on the part of the appropriate Government department as to whether or not we have reached that threshold. It has certainly been reached in a number of countries, the latest country quite surprisingly being China, where unemployment is almost galloping, where people who wanted to get out of the communes now want to get back in, because they offer greater security from the point of view of shelter and food.

It is wrong to say that there has been any employment benefit in terms of job creation: rather, there has been job manipulation—that is the important factor. One can manipulate the jobs but, if there is no change to the wage structure and people are put on half time and if it is then said that they have earned over $6 a week and that they cannot get the dole, that does no credit to members on the opposite side of the Chamber. That is what has been happening. This Government came into office and said that it would stop the job rot and that it would introduce economic stability. Since this Government has been in office it has not shown in any way, shape or form, in any real or proper sense, that it has attended to any of those promises.

Someone has to take a lead in this matter, and I hope the Government will not be too late in giving a lead to industry. If the Government comes down against the concept of assistance to industry, then it must come down against the concept of banks taking risks and propping up industry. The Government would be looking not just to establish an organisation like the one it is killing off, but it will be looking for a rural bank in South Australia.

The Hon. D. H. Laidlaw: We have the State Bank.

The Hon. N. K. FOSTER: The State Bank was provided by Governments other than those of your political persuasion. Frank Walsh helped build this place as a stone mason, and one of the first things he did when he was in office was to undertaken a rescue attempt of people in the Southern Vales in the mid 1960s. They flourished for a while and fell upon harder times, and their problems are continuing.

The Government has to recognise that it will have to prop up some people all the time because, in propping them up, they will be retained for the good years. One gets this in the type of economy situated geographically as South Australia is without having the natural resources of our neighbours. In this Bill the Government is doing away with one organisation and putting another in its place with less ability to manoeuvre and build, because the organisation in the last few years has fallen on harder times. No credit derives from saying that the Government is going to abandon the concept of assistance.

One has to realise that the invisible incomes in South Australia are important. For some years, because of higher technology, mechanisation, containerisation, and the like, the movement of material has greatly changed in regard to the number of people who work in that sphere. That is bad enough in itself.

The invisible earning capacity of this State has been stripped by that factor. I refer to the tonnes of cargo that pour over the Adelaide wharves. It can be said that the amount has increased, but as a source of income there is an offsetting consideration, because the total harbor fees and dues that ships pay are much less and more infrequent than previously. That is another relevant factor in regard to the earning capacity of this State which is now declining. The department, in an attempt to save costs, finds it almost necessary to sack people. That is not a good thing.

If one examines the employment situation in the Engineering and Water Supply Department since this Government has been in office, one sees that the situation is bad. I am glad that the Hon. Mr Laidlaw agrees with me, because he knows that, if one takes hard figures, they are harsh figures. Employment at one depot after another has dropped from 150 to 100, then to 80, and then down to 30. What the Government did at Sassafras was unnecessary in closing down the large areas that had been built at great cost.

I would hate to be around zones of the metropolitan area in a few years when the Government will have to face massive costs resulting from the lack of maintenance in certain areas. It is not depressurising the mains—the Government sacked the people who did it in a regular basis. Last year a main burst across the road and flung rocks (Irish confetti) almost 3ft in diameter beneath Ministerial cars. This resulted from neglect because the Government sacked too many people. The Opposition opposes the Bill and has no amendments to it. The Bill is beyond resurrection, beyond improvement and should be defeated. If the Government is going to use its immorality of numbers to carry the Bill, be that on the heads of Government members.

The Hon. D. H. LAIDLAW: The Government has decided to liquidate the South Australian Development Corporation and transfer its assets to the Crown and to empower the Treasurer to exercise some of those powers previously held by the corporation to assist industry. It is envisaged that the Treasurer would refer more applications to the Parliamentary Industries Development Committee for consideration than hitherto, and I am sorry that the Hon. Mr Dunford is not here now, because I think he will be surprised how many times he will have to come up from McLaren Vale to attend those meetings.

For the information of the Hon. Mr Foster, I point out that the I.D.C. dealt with about 40 applications for assistance to industry in the last financial year. Those were applications processed through the Department of Trade and Industry with respect to establishment payments schemes or Government guarantees which the Treasurer would guarantee for repayment of loans, or else from the Housing Trust for the building of factories. I recall only about two applications from the South Australian Development Corporation.

I am not surprised that the Government has decided to liquidate the S.A.D.C., because South Australia is the only State which aims to operate its development of industries principally by means of a statutory authority, with a board comprised mainly of nominees from the private sector. The amount of assistance to companies is always a sensitive political issue, and for a Government to function through a separate authority just puts the Treasurer and the Min-

ister of Industrial Affairs one step further away from the day-to-day decision-making, and that is undesirable.

I have held this view for a number of years; it is not something that I have dreamed up to say because I happen to be speaking in this debate. The name of the corporation was changed in 1975 (I hope the Hon. Mr Foster will listen) from the Industries Assistance Corporation to the South Australian Industries Assistance Corporation, and again in 1977 to the South Australian Development Corporation. During that period the corporation was given more powers. I went to see the then Premier and the Minister, Mr Hudson, to argue that it was the wrong way to go about developing industry and that they should build up the staff of the Department of Trade and Industry (as it is now called). If you have supported industries, it is fair enough to give them money but, having supported them, you have to watch them closely. That cannot be done as well if you are two steps removed from your own power. The Minister has to be closely involved with his advisers.

I argued that in 1977 it was wrong to build up the South Australian Development Corporation. It was given more powers than it had and it can now, until this Bill passes, lend, take up shares in a new issue or an existing company, or buy existing shares on the market. It can buy land, buildings and plant. It can make non-repayable grants to industry and can investigate matters on behalf of the Treasurer or the Department of Industrial Affairs. As a safeguard it was stipulated that the S.A.D.C. cannot make a grant or give any other form of assistance to an applicant above the sum of $100 000 without asking the Parliamentary Industries Development Committee for a recommendation to the Treasurer.

Mr Dunstan, when Premier, had high hopes that the corporation would become an effective vehicle by which to enable small firms to develop. In practice, as I have pointed out, most of the applications were channelled through the Department of Trade and Industry. Even in 1975 and from then onwards a vast majority of applications came through the department, even though they were trying to build up the corporation. It used the establishment payments scheme to give grants or 99 year interest-free loans and also Government guarantees for repayments of loans, and used the Housing Trust, through the Housing Improvement Act, to build factories.

Really at no stage was the Development Corporation used by the previous Administration or by this Government as the principle vehicle to develop industry. It was there, but it was used only to a limited extent. Instead of being the vehicle to develop small industries it became the recipient of a number of lame duck projects, which were handed to it through the committee. This exercise proved to be a severe strain on its resources. The Auditor-General pointed out, in his annual report to June 1981, that the S.A.D.C. made a loss of $158 000 in 1980-1981, compared to the loss of $420 000 in the previous year. The accumulated losses to date total $1 580 000, which is greater than the reserves of the corporation. Either the Treasurer must allocate more funds to the corporation or the corporation must be deemed to be insolvent and presumably liquidated.

At 30 June 1981, the corporation had also made provision during the previous year for losses of $395 000 against non-recovery of loans or losses on disposal of shares. The Hon. Mr Foster referred to the sale of shares in the Allied Rubber Mills. In addition, some years ago, at the request of the Labor Government, the corporation created a wholly-owned subsidiary—Riverland Fruit Products (Investments) Proprietary Limited—to assist in financing the development of the Riverland Cannery Co-operative, which is now in receivership. Unfortunately, the co-operative owes to the corporation subsidiary $5 220 000, and it is not known what, if any, of the debt will be recovered.

One other lame duck project handed to the S.A.D.C. to look after was the Government Frozen Food Factory. I suspect it has done quite well, considering the limited opportunities it had. A subsidiary, S.A. Frozen Food Operations Pty Ltd, was incorporated in order to manage the factory under lease from the Government. In the year to June 1980, it incurred a loss of $414 000 for this operation. The 1981 loss figures were not available when the Auditor-General's report was published.

I am not in a position to judge whether anybody else could have avoided those dramatic losses of the Riverland cannery of the Frozen Food Factory which have been suffered by the S.A.D.C. However, I expect that morale in that corporation has been affected as a result of what has happened. Its operations have dwindled, perhaps because recently there has been undue caution exercised by the board and senior staff.

During last financial year, apart from $300 000 further invested in the two loss-making subsidiaries mentioned, only $280 000 was advanced in new loans or treated as interest capitalised, compared with $544 000 for the previous year. Thus, activities were quite limited in contrast to the many millions of dollars given under the establishment payments scheme or Government guarantees.

As a result of the liquidation of S.A.D.C., it is proposed that the Treasurer will assume responsibility to give loans, acquire land and equipment and make non-repayable monetary grants to assist industry. He already has power under section 14 of the principal Act to guarantee the repayment of a loan. I note that he has foresaken the power that the S.A.D.C. previously has had to subscribe for shares in a company in a new issue or an incorporated company or to buy shares in an existing company. I approve this action of the Government because I believe that, if the Government has money to invest to help industry, surely its prime objective must be to put that money into the object that it is trying to help instead of using the money to buy shares from some outside shareholders.

Applications for assistance will be referred in future to the Parliamentary Industries Development Committee. They will be examined, first, by the Department of Trade and Industry. The staff of the S.A.D.C. will transfer to the department. As honourable members will be aware, this committee comprises five members—two representatives from the Government (one from the Upper House and one from the Lower House), two from the main Opposition Party (one from the Upper House and one from the Lower House), and the Deputy Under Treasurer. The Hon. Mr Foster should bear in mind that, before any recommendation is made by the I.D.C., at least four out of five members must approve the application or make some variation to it. That means that, in any recommendation made to help a particular section of the community, at least one Opposition parliamentarian must put his name to that recommendation. That is a safeguard that Parliament has. With the help of the Government of the day, this committee has operated for 40 years under Governments of both political persuasions. Any decision taken by the Treasurer must have the agreement of at least one member of the Opposition, and generally he too gives approval.

I think that the proposal in this Bill is sensible. I also believe that more applications will be referred to the I.D.C. The Hon. Mr Foster asked when speaking about unemployment, 'What is the Government doing?' In fact, the Government is approving a lot of applications in the manufacturing sector and also, now, in tourism. Against this, throughout the Western World, and also in communist countries, the change brought about by word processors

and computers has caused jobs to be done away with, and this process has snowballed at a rate that five years ago few would have conceived as possible. Thus, although we are creating more jobs, other jobs have been declared redundant, both here and in other parts of the world. All we can do is to continue to try. There are encouraging signs, and I think that during the next year there will be changes in the employment situation which will astound the Hon. Mr Foster. I support the second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I thank honourable members for their contributions to this debate. I am disappointed that the Hon. Mr Foster has declared that he and his Opposition colleagues will vote against the second reading, because I believe this is an important piece of legislation which the Government ought to be able to implement in the light of its own experience of assistance to industry, and in the light of the difficulties which the S.A.D.C. has experienced over recent years. The Hon. Mr Laidlaw has presented quite eloquently the reasons why that is so. The Government desires to abolish the South Australian Development Corporation, to transfer its functions to the Department of Trade and Industry and to give increased responsibility to the Industries Development Committee which, as the Hon. Mr Laidlaw has indicated, has a membership of both Government and Opposition members. At least one Opposition member must support any recommendation of that committee before assistance can be given. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 6)

Adjourned debate on second reading.

(Continued from 9 December. Page 2517.)

The Hon. C. J. SUMNER (Leader of the Opposition): This Bill deals with a number of miscellaneous matters, most of which are not of great concern to the Opposition, which will support the second reading. However, there is one clause, clause 11, with which we disagree. That clause repeals the provision that contravention of the seat belt provisions does not establish or tend to establish negligence or contributory negligence.

When the Road Traffic Act was amended some 10 years ago to provide for the compulsory wearing of seat belts a clause was included in the Bill to the effect that a person not wearing a seat belt was not to be taken to establish or tend to establish negligence or contributory negligence on the part of that person. Now, for some reason, many years after that seat belt legislation was introduced, the Government has been persuaded to take this provision out. If the section is deleted, then any person who is injured in a motor vehicle accident and has a claim for damages is liable to have that claim reduced by the court if the person against whom the claim is made alleges that the person injured was not wearing a seat belt and therefore contributed to his own fate. That accusation of contributory negligence could reduce a claim quite considerably, depending on the circumstances of the incident.

The Opposition strongly opposes this clause. It is strongly opposed to the removal of the section of the Act which states that the fact of not wearing a seat belt is not to be taken as providing any evidence of contributory negligence. I would have thought that the trend in recent times in the area of personal injury damages in road accidents was away from the notion of fault and away from the notion of drawing these fine distinctions about who was to blame for an accident and therefore who was to have their claim for damages reduced.

The argument behind that, of course, is that most road accidents where persons are injured are probably not examples of gross negligence. Most of them are momentary lapses, which we all have on the road. Unfortunately, in some circumstances those momentary lapses can have disastrous results. That momentary lapse, if it constitutes negligence on the part of the driver injured, can mean that that driver can have his claim for damages reduced quite considerably because he may be found to have contributed to the incident, and therefore to his own loss.

As I have said, in recent times the trend in this area has been towards a no-fault concept and away from drawing a fine distinction between who is the contributor to an accident. A no-fault scheme operates in Victoria, and the Government has promised a no-fault scheme in this State. Quite clearly, some 12 or 18 months ago the Minister of Transport, Mr Wilson, made a commitment. Honourable members will recall the banner headline 'No-fault soon', or words to that effect, which appeared in the *News*. Since then, when this issue has been raised in the Council, we have not received such emphatic pronouncements from the Government. The Government tends to avoid the issue and indicates that the matter is still under consideration. The Government will not give a straight answer.

There is no doubt that the Government committed itself to a no-fault scheme about 18 months ago. While the Government appears to be committed to a no-fault scheme, this amendment introduces a further area in relation to the fine distinction between who is negligent and who contributes to negligence in a road accident. I believe the amendment is a retrograde step, given the general trend away from the concept of fault and away from drawing these fine distinctions. The removal of this provision will create a legal minefield; indeed, it will be a legal bonanza.

It may be possible to accept as a statistical fact that seat belts reduce injury: I do not wish to argue about that as an overall statistical fact. However, it is another matter altogether to decide in any individual situation whether the wearing of a seat belt or not wearing it has contributed to an accident. I believe a situation could arise where expert evidence will have to be called, for instance, from the University of Adelaide Road Traffic Research Unit. Experts may also have to be called in relation to the various speeds of vehicles and the result of impact on the movement of a body not wearing a seat belt in a vehicle.

If these matters were fought out completely, it would prolong cases and, in fact, provide a fertile area for dispute. If they are not fought out, this clause will only give the insurance companies bargaining power to reduce the quantity of damages in any particular case. A further problem is the question of responsibility in relation to children. Children are required to be strapped in seat belts in certain circumstances. What happens if a child is not strapped in? Who is responsible for that? Is a child badly injured in a motor vehicle accident liable to a claim for contributory negligence because he or she has not been strapped in by the parents? That is another area where there could be further scope for legal battles.

I believe that the law is better left as it is. My basic argument is that we are trying to get away from fine distinctions as to fault or no fault and who is negligent in the road accident field. This clause merely introduces another fine distinction which will have to be argued out before the courts. It will only be argued out in one sense and, ultimately, it will reduce the amount of damages that may be awarded to a person because momentarily he omitted to wear a seat belt. I think this matter is better dealt with as it is at the moment—through the penalties that

apply to people who do not wear seat belts. I think it would be a retrograde step to pass this amendment, which would place the wearing of seat belts in this arena of competing claims of negligence or contributory negligence. I support the second reading, but in Committee I will be moving to delete clause 11.

The Hon. K. T. GRIFFIN (Attorney-General): I am disappointed that the Opposition will not support clause 11. The Government believes that there are adequate reasons for the repeal of that provision very largely because the compulsory wearing of seat belts provision has now been in operation for such a long time that it is accepted that the wearing of seat belts does contribute to a reduction in the injuries sustained in motor vehicle accidents. I will deal with this particular proposition more extensively in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Progress reported; Committee to sit again.

STATUTES AMENDMENT (JURISDICTION OF COURTS) BILL

Returned from the House of Assembly without amendment.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

BUSINESS NAMES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Returned from the House of Assembly without amendment.

BUILDING SOCIETIES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

[Sitting suspended from 5.23 to 10.36 p.m.]

PLANNING BILL

At 10.36 p.m. the following recommendations of the conference were reported to the Council:

As to Amendments Nos 1, 2 and 3:

That the Legislative Council do not further insist upon these amendments.

As to Amendments Nos 4 and 5:

That the Legislative Council do not further insist upon these amendments.

As to Amendment No. 6:

That the Legislative Council do not further insist on this amendment.

As to Amendment No. 7:

That the Legislative Council do not further insist upon this amendment but make the following amendment in lieu thereof:

Clause 7, page 7, line 22—After 'is' insert '—*(a)*'.

After line 23 insert paragraph as follows:

'or

(b) of a kind excluded from the provisions of this section by regulation'

and that the House of Assembly agree thereto.

As to Amendments Nos 8, 9, 10, 11 and 12:

That the House of Assembly do not further insist on its disagreement to these amendments.

As to Amendments Nos 13 and 14:

That the House of Assembly do not further insist upon its disagreement to these amendments.

As to Amendment No. 15:

That the House of Assembly do not further insist upon its disagreement to this amendment.

As to Amendment No. 16:

That the Legislative Council amend its amendment by leaving out proposed subsection (6b).

and that the House of Assembly agree thereto.

As to Amendment No. 17:

That the House of Assembly do not further insist on its disagreement to this amendment.

As to Amendments Nos 18, 19 and 20:

That the Legislative Council do not further insist on these amendments.

As to Amendments Nos 21 to 29:

That the House of Assembly do not further insist upon its disagreement to these amendments.

As to Amendment No. 30:

That the Legislative Council do not further insist on this amendment but make in lieu thereof the following amendments:

Clause 40, page 22—After line 29 insert 'and shall be in a form approved by resolution of both Houses of Parliament'.

Lines 30 to 46—Leave out subclauses (3), (4) and (5).

Page 23, lines 1 to 3—Leave out subclause (6).

and that the House of Assembly agree thereto.

As to Amendment No. 31:

That the House of Assembly do not further insist on its disagreement to this amendment.

As to Amendment No. 32:

That the Legislative Council do not further insist upon this amendment but make the following amendment in lieu thereof:

Clause 41—

Page 25, line 41—After 'may' insert, subject to subsection (13),

Page 26—After line 1 insert subclause as follows:

(13) Where a supplementary development plan introduces or affects principles of development control under which development is permitted or prohibited, the supplementary development plan shall not be referred to the Governor unless the plan has been referred to the Joint Committee on Subordinate Legislation and—

(a) the Committee has approved the plan; or

(b) the Committee has resolved not to approve the plan, copies of the plan have on or after the date of the resolution been laid before each House of Parliament, and neither House of Parliament has within six sitting days after the date of the copy of the plan being laid before the House, passed a resolution disallowing the plan.

(14) Where a supplementary development plan has been referred to the Joint Committee on Subordinate Legislation and at the expiration of 14 days from the day on which it was so referred the Committee has neither approved nor resolved not to approve the plan, it shall be conclusively presumed that the Committee has approved the plan.

(15) Before referring a supplementary development plan to which subsection (13) applies to the Governor, the Minister may amend the plan in order to give effect to proposals for amendment made by the Joint Committee on Subordinate Legislation, or by either House of Parliament.

and that the House of Assembly agree thereto.

As to Amendment No. 33:

That the Legislative Council do not further insist on this amendment.

As to Amendment No. 34:

That the Legislative Council amend its amendment by inserting after subsection (2) the following subsection:

(3) This section shall expire at the expiration of two years from the commencement of this Act.

and that the House of Assembly agree thereto.

Consequential Amendment:

That the following consequential amendment be made to the Bill:

Clause 43, page 26, after line 27 insert subclauses as follow:

(4) The Minister may make such other provision for publication of the Development Plan, and of authorised supplementary development plans, as he thinks fit.

(5) The Minister may from time to time consolidate and re-publish the Development Plan with amendments.

As to Amendments Nos 35 and 36:

That the Legislative Council do not further insist on these amendments.

As to Amendment No. 37:

That the Legislative Council do not further insist upon this amendment.

As to Amendments Nos 38 to 42:

That the Legislative Council do not further insist on these amendments.

As to Amendment No. 43:

That the Legislative Council amend its amendment by inserting at the commencement of proposed new subsection (1):

Except as provided by the regulations,

and that the House of Assembly agree thereto.

As to Amendment No. 44:

That the Legislative Council do not further insist on this amendment but make in lieu thereof the following amendment:

Clause 52, page 32, lines 3 to 5—Leave out all words in subclause (9) after 'concluded' in line 3.

After line 5 insert subclause as follows:

(10) An application for leave to continue an appeal under this section must be made within seven days after the conclusion of the conference, and if an application is not made within that period, or if leave is not granted, the appeal shall be deemed to have been dismissed.

(11) An application for leave to continue an appeal under this section shall be dealt with by the Tribunal as expeditiously as possible.

and that the House of Assembly agree thereto.

As to Amendments Nos 45 to 48:

That the House of Assembly do not further insist on its disagreement to these amendments.

As to Amendment No. 49:

That the House of Assembly do not further insist on its disagreement to this amendment.

As to Amendments Nos 50, 51 and 52:

That the Legislative Council do not further insist on these amendments.

As to Amendments Nos 53 and 54:

That the Legislative Council do not further insist on these amendments.

As to Amendment No. 55:

That the House of Assembly do not further insist on its disagreement to this amendment.

Consideration in Committee of the recommendations of the conference.

The Hon. J. C. BURDETT: I move:

That the recommendations of the conference be agreed to.

I wish to make some brief remarks on the conference.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J. C. BURDETT: The conference was conducted in a spirit of compromise as is evidenced by agreement being reached, although there were 55 amendments to this very complex Bill. The managers from the Council co-operated well, particularly as it was not the traditional case where two personal views were held by managers; instead, three or four personal views were held by the managers in this particular case. I compliment the other managers on the way in which they co-operated. There were many amendments, and I do not propose to canvass them all again. I propose to make a few comments about some of what I see as being the major issues. It may well be that other managers who were at the conference may like to expand further on the matters that I raise or perhaps refer to others that I do not raise.

First, in regard to mining, there was concern originally in the Committee that Part VI of the Bill, which relates to mining, applied only to production tenements. It was the fear of honourable members that, when an exploration licence had been issued to which this Bill did not apply, much damage could be done at that stage and there would be no power under the Bill to do anything about it. The position is that there is close co-operation between the Department of Mines and Energy and the Department of Environment and Planning. The practice is that, before an exploration licence is issued, the Department of Environment and Planning is consulted, conditions are applied to the exploration licence and, to a large extent, the department has a large say in what those conditions are.

The concern of the Committee was that, once the exploration licence had been issued, if there were no clear breach of the conditions of the licence, nothing could be done about it. It was agreed at the conference that the Bill remain as it is in this regard and that the Council do no longer insist on its amendments. However, the Minister gave an undertaking that he would examine the matter of damage being done to the environment during the exploration stage without there being any ability to do anything about it. He would consider whether there ought to be further legislative controls and, if so, he would consider whether they should be in this Bill or in the Mining Act.

The second matter to which I refer is the question of the application of this Bill to the City of Adelaide Development Control Act. Clause 6 (4) of this Bill in its original form excluded the city of Adelaide from the operation of the Bill. The amendment moved in this Committee sought to remove clause 6 (4); that would have been somewhat ambivalent because it would not have been quite clear which Act did apply in the city of Adelaide.

The Council managers agreed no longer to insist on this amendment upon the Minister's giving certain undertakings that he would introduce a Bill in the mid-year session of 1982 to amend the City of Adelaide Development Control Act, and that he certainly would include in that Bill provisions regarding environmental impact statements. He also said that he would consider the question of third party appeal but gave no undertaking as to what would be the outcome of that.

Thirdly, the Committee carried amendments regarding the laying of reports by the commission on the table of Parliament and sought to lay all such reports on the table. The compromise reached was that reports should be laid on the table where the commission's reports contained a recommendation for an environmental impact statement and where the reports sought to change the original application.

The fourth issue to which I refer one could call the equal opportunity issue. Honourable members will recall that the Committee inserted amendments in regard to the composition of the commission to provide that at least one member should be a man and one should be a woman.

The amendments made by the Council contain provisions in regard to the composition of the advisory committee: at least one member should be a man and at least one member should be a woman. Members will recall that when I spoke to these amendments, particularly in regard to the commission, I suggested that it was not meant to be a representative body. The reasonable compromise arrived at was that, in regard to the commission, this provision should not be implemented. There is no question of any mandatory provisions in regard to the commission (that one should be a man and one should be a woman). In regard to the advisory committee, which arguably is representative to some extent, the provision does apply. In regard to the

advisory committee, at least one member shall be a man and one shall be a woman.

The next issue to which I intend to refer is in regard to the development plan. As the Bill was introduced, there was a procedure culminating in approval by the Governor of development plans which had the force of law. That was the end of it. It was not a procedure by planning regulations as applies at the present time, and Parliament had no say at all. The amendment inserted by the Council was to provide that development plans be a schedule to the Act and that all changes to the development plans must come before Parliament and must be disallowed. The compromise arrived at was a very sensible one because the reason for the Bill being in its original form was to streamline the planning procedure so that it would be quicker than it is at the present time and also give greater certainty in the planning procedure.

One of the problems at the present time is that, when a regulation is laid before the House in regard to a supplementary development plan or a development plan, it may be disallowed. It has the force of law immediately. It may be disallowed but it may be up to 12 months, through adjournments, before it is, in fact, disallowed. Something may have been done pursuant to regulations which have the force of law in the meantime, and a great deal of uncertainty is created. The very sensible compromise arrived at in regard to a supplementary development plan was this: when it has been through all the other procedures except being presented to the Governor (this is a very new and enlightened procedure and may be a trial one) the development plan (not a regulation) is to be referred to the Subordinate Legislation Committee. That committee has the power to approve the plan. If it does approve the plan, that is the end of it. The procedure goes no further and the plan is approved, presented to the Governor and it has the force of law and cannot be changed.

So, that procedure is quite quick and there is no element of uncertainty. It is anticipated that the great majority of supplementary development plans will be dealt with in this way—by the Subordinate Legislation Committee and that is the end of it. It is also provided that if the majority of the Subordinate Legislation Committee decides not necessarily that the plan ought to be amended or disallowed but decides that it ought to be scrutinised by Parliament, it shall be scrutinised by Parliament.

The Subordinate Legislation Committee has 14 days in which to do that. If it does not take that step within 14 days, then it is deemed to have approved of the plan. If that step is taken the plan is brought into Parliament as a motion and goes to both Houses. The Parliament may approve, reject or amend the plan. Here, again, that is quite a new step. It is unlike regulations because regulations can only be approved or rejected. There will be the ability for the Parliament to amend the plan. That procedure must be finalised—not just moved—in six sitting days. If that is not done, the plan has the force of law. That is in accordance with the spirit of the Bill, of a streamlined procedure, a procedure which will not unduly delay the planning process.

On the other hand, it still preserves the other spirit of the Bill, namely, certainty. The supplementary development plan does not have the force of law until that procedure has been completed, so there is not the limbo stage of regulations where they have the force of law but may be disallowed. The further advantage of this system, of course, is that the Parliamentary system is in no way denied. As I said before, I did not really think that the supplementary development plans changed the law, but that it rather was an administrative procedure. However, it is perfectly true that such a plan has the force of law, so by this procedure the Parliament is by no means ousted of its jurisdiction—it can have its say with regard to the supplementary development plans.

The next point I wish to make is regarding third-party appeals, an important matter. At present, as was said in the debate, there is the right of third-party appeal without any kind of condition in 31 council areas which cover about 70 per cent of the population of South Australia. It was proposed to extend the right of third party appeals to the whole State, but only in accordance with the regulations. The difficulty here would be, I suppose arguably, that the regulations might never have been made, although it is fairly obvious that a Government that puts in such a regulation-making power will make regulations. More importantly, the regulations, of course would allow some kind of third-party appeal.

If such regulations were made and laid on the table of the Houses of Parliament they could only be accepted or rejected and not amended. They would never be rejected, because if they were there would be no right of third-party appeal. I could certainly understand the concern of members of the Council who moved that amendment. The compromise that has been arrived at is that there shall be a right across the board throughout the whole State (thus extending it from the 31 councils to the whole of the State) of third-party appeal. It will be competent for the Government, by regulation, to restrict in specified circumstances the right of such appeals.

The Hon. R. C. DeGaris: Nobody disagreed with that.

The Hon. J. C. BURDETT: The matter was discussed and, as the Hon. Mr DeGaris says, nobody disagreed with that. It was mentioned in debate while the Bill was before the Council that a complete open slather right of third-party appeal could bog down the whole planning procedure. We have here, through this compromise, a system in which there is the right of third-party appeal, but that right may be restricted by regulation, of course. If that right is restricted by regulation, the regulation lays on the table of the Houses for 14 sitting days and may then be disallowed. Thus, in proper cases Parliament has the ability to restrict the rights of third-party appeals so that they do not become irrelevant and do not bog things down.

Finally, the Bill, in effect, does away with interim development control. The Council sought to write back into the Bill the power of interim development control. The Bill's concept was to allow public consultation. Concern was expressed that interim development control takes place immediately without proper public consultation and is then binding for 12 months. Members of the Council expressed concern that problems could arise suddenly that could not wait until the provisions envisaged in the Bill were implemented and that it might be necessary to have a power which could be implemented immediately.

A compromise was arrived at which allows the Minister the power of interim development control for a period of two years. That power will expire at the end of two years and disappear until it is re-enacted by Parliament. That two-year period will enable the Government to determine whether interim development control is necessary. During that period if suddenly a major development is perhaps implemented because there is a rumour that there will be a supplementary development plan, the Government will have power. Of course, the Government does not have to exercise that power. They are the only matters to which I wish to refer. There are many other matters and other honourable members may wish to speak to them. It was a very good conference which dealt with many complex issues but it arrived, most readily, at a solution.

The Hon. ANNE LEVY: I support the recommendations of the conference and do so with pleasure. I heartily endorse the Minister's remarks in relation to some of the major

recommendations of the conference, with which the Minister has dealt most admirably. The only comment I wish to make relates to the process of implementing supplementary development plans. We have devised a new procedure for this Parliament which may well be new to many, if not all, Parliaments using the Westminster system. In this regard I pay tribute to the Hon. Mr DeGaris, who first began formulating this procedure to overcome the difficulties that existed with regard to the adoption of supplementary development plans.

His ideas were worked on by the whole conference to refine all the implications and details, and it was, I felt, quite an exciting procedure in which the conference became involved while devising what we feel will be a very workable, very efficacious, and very just means of proceeding in this matter. I hope it will work; we can try it. If it does not, obviously the process will have to be amended but, after lengthy discussions, we felt that this was the best possible way of proceeding, and no doubt how this procedure works will be closely examined, not only here but elsewhere, and may serve as a model at some time for other Parliaments to follow.

The Hon. Mr Burdett has dealt with all the major amendments. There were others, as detailed in the recommendations, where the Council was to stand by its amendments and the House of Assembly would agree to them and, on the other hand, there were others where the Legislative Council agreed not to stand by its amendments. The powers of the commissioners in the tribunal will follow the lines suggested by the Council, and the procedures of the tribunal will also follow the lines suggested in this Council. The clause relating to a planning authority having the power to step in and cancel a permitted use where there was a hazard to life was not insisted on by the Council managers as, after lengthy discussions, it was felt that such situations, should they arise, could be coped with by other legislation, that is, legislation relative to health and safety matters rather than planning matters.

I will not take up the time of the Committee in view of the hour and the lengthy day that we have all had. It seems unnecessary to go into the detail of some of the minor amendments on which agreement was reached without difficulty between the Houses. In conclusion, I would very much like to echo the remarks of the Minister on the constructive atmosphere in the conference, and the willingness with which the managers from both Houses co-operated to seek a solution in the best interests of good legislation. I am sure we all feel that the legislation that has resulted from this conference is a better piece of legislation than that which left either House initially, and we all trust that it will be very much to the benefit of the State. We hope that no further amendments will be required as a result of unforeseen circumstances.

We seem to have covered every possible contingency that could arise in the planning sphere. Doubtless future amendments to the legislation will prove me wrong, but I think the managers of the conference felt that they had achieved a great deal, and we sincerely hope that we will now have a truly worthwhile Planning Bill which will be very much to the benefit of the development of this State. I support the recommendations.

The Hon. K. L. MILNE: I congratulate the Hon. Mr Burdett on the way in which he led the Council managers, and the Minister of Planning from the other place on the way in which he chaired the conference. More than an average number of amendments had to be considered from both sides and, as the Minister and the Hon. Miss Levy have said, the atmosphere in the conference was quite remarkable, and we got through a long list of amendments in a much shorter time than has been needed for some conferences on much lesser matters.

There are two things I would like to mention. Regarding the City Council, we had moved to delete the clause which said that the Bill did not apply to the City Council: we saw no reason why it should be exempt. I have now had it explained that the City Council legislation is almost the same as this legislation. The two minor deficiencies will be rectified, that is, on the environmental impact statement and third-party appeals. If the City Council's own legislation is brought into line, I will be happy, but if it is not then I am sure we will need to bring pressure to bear for that to happen.

What I was pleased with was the fact the tribunal commissioners will be left with the same status as they had before. The original Bill altered the status of the commissioners, so that they would be subjected to the opinions of the judges. Neither the judges nor the commissioners wanted this. I am happy to say that that provision has been restored and their status is as it was before. I agree with the Hon. Miss Levy that this is very modern and sensible legislation. I trust that it will work very well in practice.

The Hon. R. C. DeGARIS: I do not want to say very much because most of the points have been covered. I congratulate the Hon. John Burdett for his leading the conference on behalf of the Legislative Council, and also the other participants—the Hons. Anne Levy, Barbara Wiese and Lance Milne—for their contribution to the conference. The Hon. John Burdett did make one mistake; it is very difficult to recall all the things that happened in the conference in dealing with clause 7—the clause that binds the Crown. The Minister said that the only thing tabled would be whether the commission made any recommendation for any change in the matter referred to it. At one stage that was the agreement, but we changed it after that. Now, all commission decisions must be tabled in the House, but the Government can, by regulation, exclude from the provisions of that section certain Crown undertakings, such as small undertakings. For example, when the Bill came in, every development of the Crown, even the erection of a toilet block in a national park, would have to come before the commission for approval. That did not seem a reasonable approach; it was quite cumbersome. I think the provision now is quite satisfactory.

The only other matter I want to mention is in relation to what I thought was the major amendment. For the first time in this Bill we are giving the development plan statutory force, when previously the development plan had no statutory force and the legal teeth were the regulations that came down. Those regulations and the plan were married together in the Bill so that the changes that were proposed to that plan would never come before Parliament.

I raised a major objection to this point. The difficulty in planning matters, as explained by the Hon. John Burdett, is that, when regulations are made, they can be made and gazetted and yet 12 months later they could be disallowed. That is a long period, but one can say definitely this could happen six months later, and even longer. Thus, a particular permitted development may suddenly not be permitted because of disallowance of regulations.

What I am pleased about concerning this conference is that we have adopted a new prodedure, and I am quite certain that the Hon. Anne Levy is correct in saying that it is a new procedure in Westminster-style systems concerning the handling of this question. The development plan now has a statutory recognition that gives it legal force; amendments to that development plan are to come before the Subordinate Legislation Committee and, if approved, they can go immediately to the Government for signature. However, if the Subordinate Legislation Committee decides

that there are matters that should be referred to Parliament or there is disagreement in the committee, those matters can be referred to the Parliament, and can either be not approved or amended by the Parliament.

The actual process will take only an extra 14 days, if the Subordinate Legislation Committee approves the amendments. As supplementary development plans will be at least some months in preparation, that extra 14 days, I believe, is worth it from the point of view of maintaining a Parliamentary scrutiny of any change in the law of the State.

There is only one thing that I am sorry about, and that is that the question of planning will not always come before Parliament, because the changes in the development plan are related only to clause 46 of the Bill. Some changes in the plan will be able to be made which will not come before Parliament, and I feel that that matter still needs further consideration. The third party appeals question has been dealt with, but unfortunately there was one matter dealing with the striking out of the word 'development' as far as local government is concerned: I can assure members that the managers fought desperately to maintain this amendment, but the House of Assembly managers were too strong on this particular point, and we were forced to give way.

I congratulate the Hon. John Burdett and other members for their work on the Bill. I think that the new procedure we have adopted may well be a pattern that will be followed in other Parliaments operating under the Westminster system, because we are dealing with something that is relatively new in planning. I am pleased that the Parliament has been able to adapt to this problem in a way that I believe may be followed by other Parliaments under the Westminster system in Australia and elsewhere.

Motion carried.

SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION BILL

At 11.14 p.m. the following recommendations of the conference were reported to the Council:

As to Amendment No. 1:

That the Legislative Council amend its amendment by inserting after the contents thereof subclause as follows:

(3) In this section—

(a) 'sex' and 'marital status' have the meanings attributed to those expressions by the Sex Discrimination Act, 1975;

(b) 'race' has the meaning attributed to that expression by the Racial Discrimination Act, 1976;

and

(c) 'physical impairment' has the meaning attributed to that expression by the Handicapped Persons Equal Opportunity Act, 1981.

and that the House of Assembly agree thereto.

As to Amendment No. 2:

That the Legislative Council amend its amendment by inserting after the contents thereof subclause as follows:

(3) In determining the courses to be conducted by the college the Council shall have regard to the needs of the community, as assessed and determined by the Minister.

and that the House of Assembly agree thereto.

As to Amendment No. 3:

That the Legislative Council amend its amendment by leaving out all words after the words 'subclause (3)' first occurring.

and that the House of Assembly agree thereto.

As to Amendment No. 4:

That the Legislative Council do not further insist on this amendment.

Consideration in Committee.

The Hon. C. M. HILL: I move:

That the recommendations of the conference be agreed to.

The managers attended the conference and deliberated for a considerable time, which ultimately resulted in these proposals. I do not intend to deal with the amendments in detail, because that would result in repetition, and I know that those honourable members who were involved in originally moving the measures now under consideration will want to speak to them and will possibly explain them at some length (but not at great length, I hope).

The Hon. ANNE LEVY: I promise the Minister that my remarks will be brief. There are only three clauses on which to speak. Regarding amendment No. 1, the conference has recommended that the legislation for the new South Australian College of Advanced Education contain a clause prohibiting discrimination on the grounds of sex, marital status, race, political or religious beliefs and/or physical impairment. There was considerable debate on exactly what is meant by some of these words.

The resulting first recommendation is that four of these terms should be defined in the same way in which they are defined in the appropriate legislation that is currently in force in this State, although the legislation in regard to physical impairment has not yet been proclaimed, but it should be proclaimed before too long. Furthermore, the clause, as it will stand, not only prohibits discrimination but also allows the possibility that the council of the institution, with the approval of the Minister, can apply positive discrimination for any student or group of students who have been educationally or culturally disadvantaged. I believe it was felt by all of the managers at the conference that this clause allowed positive discrimination in limited but very worthwhile circumstances and was an important attribute that should be incorporated in the Bill.

It is not new; it currently exists in the Hartley C.A.E. Act and the Adelaide C.A.E. Act. It was felt desirable that it should apply to the new college, which incorporates those two existing colleges.

Regarding amendment No. 2, there was considerable discussion about the role of the college council and the role that the Minister should have in relation to it. Examples were postulated in which complete autonomy was not desirable and, likewise, where Ministerial control would be undesirable. There was agreement that a compromise position had to be reached which would strike the right balance. The difficulty was in arriving at something to cover the sort of situation that might be envisaged, until ultimately the managers decided that it was impossible to cover all the eventualities that might arise. In consequence, the amendment now being considered is a result of the deliberations.

Clause 13 (2) will be amended to the way it was worded when previously before this Chamber, so that it is an extension of what currently exists in the Hartley and Adelaide C.A.E. Acts, covering the admission of students and the rights of students to continue in all courses given by the C.A.E., not only those relating to teacher training. However, the conference agreed to a new third part of clause 13, whereby consideration would have to be given by the college to the needs of the community, as determined by the Minister, in deciding which courses are to be conducted by the college. It was felt that there were areas of adult education which could be catered for, both in the advanced edcuation sector and the further eduction sector, and that these two post-secondary areas sometimes tended to overlap, and that the Minister should have the guiding role in seeing that unnecessary duplication did not occur in the two forms of post-secondary education.

The result is the new subclause, which means that, in determining which courses a college conducts, it has regard to the needs of the community as determined by the Minister. We did not have the opportunity of consulting with anyone connected with the college to determine their reaction to this suggestion. We hope that they will accept the amendment in the spirit in which it is offered. This is not done in a desire to impose any dictatorial control on the college, but to give attention to the responsibilities the

Minister has regarding the whole of eduction in this State. I trust that the college will be happy with it and that it will work smoothly and in the best interests of all post-secondary education in this State.

Finally, I would like to say a few words about amendment No. 3. This was the thorniest matter which provided the greatest amount of discussion in the conference with all sorts of possible solutions being put forward for consideration. There were 10 managers for the conference, and we had Parliamentary Counsel present as well. Between us we probably dreamt up 20 alternative forms that the amendment could take, all of which were found to be deficient in some regard or which might have been deficient, or which were not acceptable to one set of managers or the other.

The final result is that the Bill as brought into the Committe will have clause 17 (3) deleted from it. There will be no mention of this whole problem of students unions within the legislation at this stage. The conference decided that further consultation on this matter was necessary with people involved in the college—the students, the staff, the Principal, and the senior administrators—regarding not only the implications of some amendment but also the acceptability of it and whether it would be extremely complicated or easy in administration.

The Government undertook to consider further legislation perhaps later next year which could result from the consultations and the deliberations on this matter. I am sure that the Committee will give any such legislation careful consideration. In the meantime the legislation can go forward with no reference to this thorny problem of students unions and as a result this legislation can become operative and the new South Australian College of Advanced Education can begin its existence on 1 January. I am sure that every member of this Council wishes it well and hopes that it will be a fruitful amalgamation and provide a worthwhile contribution to education in this State. I support the recommendations.

Motion carried.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 3)

The Hon. K. T. GRIFFIN (Attorney-General): The managers for the two Houses conferred together at the conference, but no agreement was reached.

The PRESIDENT: As no recommendation from the conference has been made, the Council, pursuant to Standing Order 338, must resolve to either insist on its amendments or lay the Bill aside.

The Hon. K. T. GRIFFIN: I move:

That the Council do not further insist on its amendments.

It was disappointing that no compromise could be reached on the two principal amendments moved by the Legislative Council to this Bill. The first set of amendments dealt with the question of owner-drivers in the transport industry. The Opposition was concerned to provide in this Bill for owner-drivers who, because of a recent Federal Court decision, were somewhat in limbo regarding the Transport Workers Union representing them in negotiations with their principals. That Federal Court decision related principally to the Trade Practices Act and the fact that because of the operation of that Act owner-drivers in the transport industry were a distinct disadvantage in arriving at agreement with their principals. It was assessed that there may be a restrictive trade practice which is prescribed by the Trade Practices Act.

The Opposition's proposals were to deem owner-drivers to be employees and to give the Government the power by regulation to declare that the Act should not apply to or in relation to such persons. The difficulty with that concept is that, whilst a Government could by regulation exempt owner-drivers from the operation of any part of the Act, just as easily such regulations could be repealed so that there would be no long-term certainty as to the status of those persons and the extent to which the Industrial Conciliation and Arbitration Act applied to them.

At the conference there was a proposition put which basically expressed a concern to ensure that owner-drivers who were currently represented by the T.W.U. in negotiations in relation to principal contractors could continue to be represented by th T.W.U., which would undertake their negotiations for them.

The Hon. C. J. Sumner: That is exactly what he did not agree to.

The Hon. K. T. GRIFFIN: The Minister of Industrial Affairs indicated that he was willing to consider a recommendation—

The Hon. C. J. Sumner: I asked him five times and he refused each time to say that he would allow owner-drivers in the transport industry to be represented by the T.W.U. I can remember when I asked him.

The Hon. K. T. GRIFFIN: My interpretation of the discussion as that issue was debated at the conference was that the Minister of Industrial Affairs indicated that he was willing to consider a recommendation to the Governor that a regulation be made under the Industrial Development Act which would have the effect of allowing owner-drivers to be represented by the T.W.U. or such other groups that they wish to represent them—

The PRESIDENT: Order! There should not be so much audible conversation.

The Hon. K. T. GRIFFIN: —without being confronted with the Trades Practices Act. Since that time further drafting has been considered that would provide for a regulation under the Industries Development Act. The effect of the Act would have allowed the Transport Workers Union to negotiate on behalf of owner-drivers.

The Hon. C. J. Sumner: If they had coverage under the Industrial Conciliation and Arbitration Act. For goodness sake, the thing could be struck down at any moment.

The Hon. K. T. GRIFFIN: The Leader will have a chance to have his say. Under the Industries Development Act, this Government and previous Governments have promulgated regulations that have taken breadcarters, for example, out of the ambit of the Trade Practices Act. The sort of regualations to which I have just referred in respect of owner-drivers would have meant that the T.W.U. could still act as an agent for and represent the owner-drivers and any other body to which the owner-drivers belonged.

The Hon. J. E. Dunford: How do they do it? Do they give them money or do they join the union? They could not join—

The Hon. K. T. GRIFFIN: That is really a matter—

The Hon. J. E. Dunford: They couldn't join the union though, could they?

The Hon. K. T. GRIFFIN: Under the Act they would not become members of a union.

The Hon. J. E. Dunford: That's right. They can do it knowing—

The PRESIDENT: Order! It is fair enough for an honourable member to ask one question, but this will not develop into a debate across the floor.

The Hon. K. T. GRIFFIN: As I understood the points put by the Council managers, they wanted to ensure that the Transport Workers Union had the opportunity to represent the owner-drivers. I have been putting to the Council one way by which the Government and the House of Assem-

bly believe that they would be able to facilitate that representation without falling foul of the Trade Practices Act. The other area of amendment relates to clause 9 of the Bill, which sought, as it stood, to provide that the principles enunicated by the Commonwealth commission applied *mutatis mutandis* by the State commission in regard to the proposed determination and that certain matters should be taken into consideration. The effect of the amendments proposed by the council would have been to remove that original subsection from the Act as well as the proposed amendment to that subsection and substantially emasculate the Bill. As it was not possible to reach an agreement on the amendments, I have moved that the Council do not insist further on its amendments. I ask for the support of the Council in moving that motion.

The Hon. C. J. SUMNER (Leader of the Opposition): I oppose the motion. The Council should insist on its amendment. I was starting to wonder during the Attorney-General's discussions whether we were at the same conference. I will deal with the aspect of the conference that relates to owner-drivers in the transport industry, and the Hon. Frank Blevins will deal with the other amendments that the Council made to the Bill. Really, there was no indication at all from the House of Assembly that it was prepared seriously to sit down and negotiate on this issue.

In relation to the second amendment with which the Hon. Mr Blevins will deal in more detail, the House of Assembly made quite clear that that was not negotiable, and that was the end of the matter. In view of that, the conference was doomed to failure from the start.

Not only in relation to that amendment but also in relation to the one with which I am concerned regarding owner-drivers, I asked the House of Assembly representatives (of course effectively the Government) whether it would be happy for owner-drivers to be members of the Transport Workers Union and for that union to represent them in industrial negotiations. I asked, in other words, whether they would be happy for the Transport Workers Union to be given the authority under its rules and under the laws of this State through the Industrial conciliation and Arbitration Act to represent owner-drivers.

The PRESIDENT: Order! It seems incredible, after all the time that honourable members have had to have their discussions, that four audible conversations are taking place in the Chamber at this time. I ask honourable members to give the Leader a chance.

The Hon. C. J. SUMNER: I do not need a chance.

The PRESIDENT: Well I do.

The Hon. C. J. SUMNER: On each occasion that I asked the question there was no answer. We gleaned from that that the Government does not, in any circumstances, want the owner-drivers to continue as members of the Transport Workers Union. That was the only conclusion to which we could come following this conference. Had the Minister made that statement in principle, and had he answered my question in the affirmative, we would have had some basis for negotiation. However, without that answer there was no basis for negotiation.

The Attorney-General is trying to take the argument off into the area of the Trade Practices Act and regulations that could be made under the Industrial Development Act. He has indicated the sort of regulation that the Government is prepared to promulgate specifying certain Acts that would be authorised under the Industrial Development Act so as to take them out of the way of a possible confrontation with the Trade Practices Act.

That refers to any contracts involving owner-drivers and employers, or contractors. However, that does not in any way resolve the problem. The problem is that the Transport Workers Union has, at the moment, more than 1 000 members who could be categorised as owner-drivers. Even if one takes action under the Industries Development Act, if one does not, as well, amend the Industrial Conciliation and Arbitration Act, and if there is a challenge, then there is no way that the Transport Workers Union rules can cater for owner-drivers because it is not authorised by the Act. Therefore, the trade practices argument and the Industries Development Act argument are irrelevant.

What the Government is not prepared to do is say to owner-drivers, if they want to become members of the Transport Workers Union, if they want that union to represent them in industrial negotiations, 'Too bad'—it is not prepared to facilitate that. However, if they want to join some other organisation and they want to use the Transport Workers Union as an agent, for instance, to negotiate on their behalf, then the Government thinks that that is all right. How absurd is that! Surely if the owner-drivers want to remain members of the Transport Workers Union, and want that union to negotiate on their behalf in this limited area (as it has been doing for the past 18 months), then why will the Government not facilitate that by these amendments? The answer is quite simple: the Government is just being bloody-minded, and the people who happen to have sway in the Liberal Party at the moment over this issue are violently anti-union. There is no other conclusion.

The Hon. J. E. Dunford: They want a scab show.

The Hon. C. J. SUMNER: That is right.

The Hon. J. E. Dunford: They want to—

The PRESIDENT: Order!

The Hon. C. J. SUMNER: It may be that the Transport Workers Union could, for the time being, continue to sign up owner-drivers and continue to represent them, but the problem is that unless this amendment is passed, or some similar amendment, and if there is a challenge to that coverage, then it is probable that the coverage which the Transport Workers Union purports to have will be struck down, and these people will not be able to be members of the Transport Workers Union. That is the problem. There is a group that will challenge the present position, and the Government is prepared to facilitate that challenge. Will the Minister of Industrial Affairs give a commitment that he is prepared to see owner-drivers as members of the Transport Workers Union and to have the Transport Workers Union represent them as members in industrial negotiations? That question was put to the Government on at least five occasions directly by me during this conference and on each occasion there was no answer.

The Hon. M. B. Cameron: It must have been a boring conference.

The Hon. C. J. SUMNER: It was. It was a farce. The Attorney-General has said that the Government is concerned to ensure that owner-drivers can be represented in negotiations by the Transport Workers Union. That is garbage. The Government is not prepared to have the Transport Workers Union represent these people in industrial negotiations as members. I believed that, unless there was a positive and firm answer to the question I asked, then there was no way that we could get anywhere with the conference. Had the Government said, 'Yes, we are prepared for them to be members but we are not particularly happy with this amendment', we could have looked at an alternative and we would have had some basis for negotiation. However, the Government would not answer that basic question in the affirmative.

The absurdity of the position is further highlighted by the fact that the Government had agreed to take this action.

The Government was happy for the Transport Workers Union to have coverage of the owner-drivers. I ask those members who were at the conference to assess the credibility of the Minister in this regard. Quite frankly, he was less than honest. The Minister said that there was no agreement that this amendment which we have moved would be introduced—no agreement from the Government, that is. That is patently at variance with the facts. The correspondence that I have from Mr Achatz, who represented the Transport Workers Union, or the owner-drivers in this situation, indicates clearly that there was agreement with the Government. Scott Ashenden, the member for Todd, was party to that agreement, as was the Minister. I read correspondence to the Council before, which I will read again and which states:

> Mr Ashenden agreed that it was essential to have the Act changed to protect the rights of owner-drivers, being small business persons.

The letter continues, later:

> The Minister of Industrial Affairs agreed that the Act would be changed in order to protect owner-drivers and, to that effect, suggested that Achatz Webber & Co., the Transport Workers Union and our solicitors, work together with Mr Frank Cawthorne and with Mr Shillabeer to draft an amendment to the existing Act suitable to the Government and to the owner-drivers. At three o'clock on the 2 December, Mr Ashenden telephoned me to advise me that, following a meeting, immediately before lunch, by the South Australian Liberal Party, it was decided that the amendment would not be moved.

On the face of that evidence, how can you accept what the Government's position is? You cannot accept it. Clearly there was an agreement by the Minister to introduce this legislation and he was overturned in the Party room, yet he had the gall to say in the conference that there was no such agreement. That is at variance with the facts. The situation is that he was overturned by his Party. The essential point is that, had the Government said, 'Yes, we are happy to see the Transport Workers Union have coverage in terms of membership of owner-drivers', then we would have had a basis for negotiation. However, the Government did not make that concession on this particular issue and, not making that concession, there was no point in continuing: the Government clearly was not interested in the Transport Workers Union being involved in this situation. All I can say is, 'Let that be on their own heads', because there is no doubt that the industry wants the present situation to continue, and it will not be content unless this amendment is passed.

The other thing that I thought quite appalling was the way I believe the Minister obviously misrepresented the effects of this amendment to the employer groups that made representations in support of it. He apparently got them in last night and brow-beat them, telling them that the amendment was against their interests. They went away having swallowed the codswallop that he had fed them about the amendment. The amendment was quite satisfactory. Had there been a new Government the situation would not have changed, because there was an undertaking from the Transport Workers Union not to seek an award under the Act. Really, what the Minister did was just bluff and bluster with the employers group and use his standover tactics to scare them off. He did that without telling them that he was prepared to accept the basic proposition that the Transport Workers Union could have coverage.

I believe that the Government has been less than honest with Parliament and less than honest with the conference. The Government was not prepared to concede the basic principles, and on that basis my amendment has no chance of success. I believe that the chickens have come home to roost for the Government and that there will be a return to the chaos and instability which reigned in the industry 12 months ago. I urge the Council to insist on its amendments.

The Hon. FRANK BLEVINS: I, too, oppose the motion. I hope that the Council will insist on its amendments. I remember returning from the first conference I ever attended believing that that procedure was an absolute waste of time. In fact, I thought it was a sham and a farce. This conference has confirmed my view, although I concede that over the last six years my view has modified slightly; but that is only because the conferences I attended in that period did not involve the present Minister of Industrial Affairs. The Minister of Industrial Affairs had no intention of agreeing with the Legislative Council's amendments. In fact, the Minister was arrogant and uncompromising and there was no chance of achieving any meaningful result. That was only to be expected, because the Minister carried his usual demeanour into the conference room. Therefore, it is not surprising that the conference broke down.

I am particularly concerned about the clauses of the Bill that attack the independence of the commission. It has become a regular habit in this Parliament every three months for the Minister to vent his spleen on the commission. The Minister is making no impression whatsoever on the employers and employees of this State, so he is taking it out on the commission, which cannot defend itself. This Bill will only fetter the commission even further. In effect, the commission will not be able to exceed any decision handed down by the Federal commission. Looking at the past record of both commissions, one would have to conclude that that proposal will not help this State.

The South Australian Industrial Commission's record is recognised throughout the State. I, personally, have not supported all of the commission's decisions, and I do not suppose that any other member has, either. Until the present Minister came along, no-one had questioned the integrity of the commission; no-one had been able to sustain an argument that the commission had ever acted in any other way than with complete propriety and with the interests of this State in mind. The Commission had always enjoyed the general support of employers and employees until this Minister came along. The commission still enjoys that support, but apparently this Minister wants to break that consensus.

Another facet which disturbs the Opposition is the lack of consultation. I believe the Minister has insulted the commission, and that is unforgivable. The commmission was not aware of the existence of this Bill until an employers' representative appearing before the commission referred to it. Mr Justice Olsson's remarks have been recorded in *Hansard* many times during this debate, so I will not repeat them. Those remarks should be considered by anyone interested in this area. In effect, he was extremely annoyed and offended at the way in which this Minister treated him and his commission. The employers' representative informed the commission that it, too, had no knowledge of the Bill until he read about it in the newspaper or heard about it on the radio. The trade union movement was not consulted, either. It was left to the Trades and Labor Council to contact the Minister's department and ask for a copy of the Bill.

To make a fundamental change in the role of the commission in this way, without consultation with anyone, is the absolute epitome of arrogance, and it invites retaliation by this Parliament on behalf of the people of this State. I would like the Attorney-General to inform the Council why the Minister is persistent in his attempts to destroy the independence and credibility of the commission. The commission has never been biased towards employees. In fact, a very good case could be made out in support of the reverse argument. This State has the lowest level of wages

in Australia and we have the worst working conditions and the lowest level of industrial disputes. From the Government's point of view, that is not a bad record, although I am no so sure that it is very good from an employees' point of view. There is no way that the commission could be accused of acting in favour of employees. However, this Minister, for reasons best known to himself, insists on attacking the commission month after month in a quite shameful way.

I am not sure that we have not persuaded the Minister of the wisdom of the Opposition's beliefs. I believe the Minister is inviting the Council to lay this Bill aside. I think that the Minister knows that he has gone too far and that his attacks upon the commission have now become a public scandal. I am sure the Minister would be quite happy if this Bill was laid aside. I maintain that there is already more than sufficient scope in this Act for the commission to do everything that the Minister wishes. Various sections of this Act already give the commission the broadest scope to consider every facet of what is happening throughout Australia. It is an insult to the commission to say that it does not consider the standards that apply elsewhere throughout Australia, and that it does not take into consideration the Government's position, because the Government sends people along to present its case. To say that the commission does not take notice is an insult to those people. If someone would just tell us why, it would assist us to understand, unless the Minister has a personal spite against the commission.

The Hon. J. C. Burdett interjecting:

The Hon. FRANK BLEVINS: The Hon. Mr Burdett suggests by his grunt that that is not the case. I would welcome the Minister's entering the debate and explaining why the Minister of Industrial Affairs persists with his obnoxious attitude towards the Industrial Commission. It was obvious that the Minister wanted this Bill laid aside from the moment we walked into the conference, when he said that the first part was not negotiable. When I asked him, on behalf of the Council managers, about the second part, with which I am now dealing, I invited him to say that his attitude was the same. He would not say so immediately but, as the debate progressed, that came out, that that was not negotiable either, and that the Minister wanted the Bill intact or not at all. Those were certainly his words and the impression he gave, as any reasonable person at the conference would agree.

I am being charitable, but I like to think that the Minister has seen sense even at this late hour. To lay the Bill aside certainly minimises the damage that has been done to the Industrial Commission so far. I hope that in the interests of maintaining some independence in the commission, to maintain its integrity (and the commission has an excellent record), the Council will insist on its amendments.

The Hon. G. L. BRUCE: I concur with the Hon. Mr Blevins's comments. I was bitterly disappointed in the conference when it became apparent immediately that no consensus would be derived from it. The Minister and managers from another place were particularly hard-nosed and indicated almost straight away that they were not prepared to negotiate or come to any consensus. That was most disappointing and disheartening in such a conference.

It was suggested to me earlier that the amendments had emasculated the Bill, but I believe that the Government has castrated the commission. What has happened here is to take the complete integrity and independence away from the commission. I have been involved with the commission, awards and unions for 15 years, and with any commission decision, whether popular or unpopular, the unions have warned that they may not have liked it but they have respected the commission's integrity. There have been no hassles. They have worn it whether there was an appeal from employers or employees.

What more can one ask for? Until this time the commission has had much respect, but this Bill seeks to undermine it. The Bill will be seen as interference of a high degree by the Government. I was bitterly disappointed about what happended and how the conference was conducted. There was no spirit of compromise and no room for manoeuvre. The conference was a farce from the beginning to the end, and I oppose the Government's motion.

The Hon. K. T. GRIFFIN: All I need to say is to dispute and refute the allegations that the Minister of Industrial Affairs is seeking to denigrate the commission, because the Minister does not have any object in view of doing that, nor has he undertaken that course either deliberately or inadvertently. Further, he did not mislead anyone in regard to the objects of the Bill or the amendments proposed by the Opposition. He has been open with all people about the objects of the Bill. It is for them to judge whether or not his assessment is accurate or not.

The Council divided on the motion:

Ayes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, and R. J. Ritson.

Noes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons. L. H. Davis and D. H. Laidlaw. Noes—The Hons. J. R. Cornwall and C. W. Creedon.

Majority of 1 for the Noes.

Motion thus negatived.

Bill laid aside.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2601.)

The Hon. K. T. GRIFFIN (Attorney-General): At the point I sought permission to conclude I had replied at some length to matters referred to by the Hon. Mr Foster. In view of the hour, I doubt if I need to repeat the points that I made on that occasion.

The Council divided on the second reading:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, K. L. Milne, and R. J. Ritson.

Noes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. E. Dunford, N. K. Foster (teller), Anne Levy, C. J. Sumner, and Barbara Wiese.

Pairs—Ayes—The Hons. L. H. Davis and D. H. Laidlaw. Noes—The Hons. J. R. Cornwall and C. W. Creedon.

Majority of 1 for the Ayes.

Second reading thus carried.

Bill read a third time and passed.

TEA TREE GULLY (GOLDEN GROVE) DEVELOPMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate in Committee (resumed on motion).

(Continued from page 2594.)

Clause 1 passed.

Clause 2—'Regulations.'

The Hon. FRANK BLEVINS: I move:

Page 1—After line 18, insert paragraph as follows:

and

(b) by inserting after subsection (2) the following subsection:

(3) The amount of a contribution payable under regulations made in pursuance of subsection (2) (da) shall be determined in accordance with section 52 (1) *(c)* of the Planning and Development Act, 1966-1981.

The amendment is self-explanatory. It seeks to tie the level of the levy that goes into the development fund from the developed blocks in the area under discussion. We see no reason why the amount involved should be $100. We feel that it should be tied to prevailing standards in the Planning and Development Act.

The Hon. K. T. GRIFFIN: I cannot accept the amendment. The concept in the Tea Tree Gully (Golden Grove) Development Act Amendment Bill is different from that of the Planning and Development Act in that, under the Planning and Development Act, those who wish to subdivide are required to make a contribution to the fund either in cash or, I think, 12½ per cent of the value if the land is subdivided in the Golden Grove development.

One must remember that this is already Government land. It will be subdivided only after some 25 per cent of the land in that area has been vested in the council for the purpose of reserves and other purposes.

The Hon. Frank Blevins: Not by the developers.

The Hon. K. T. GRIFFIN: No, but it does not reflect on the price that is to be paid for that part of the land which is to be subdivided. That is why there is a distinction between the proposition in the Bill and the Planning and Development Act.

The Committee divided on the amendment:

Ayes (8)—The Hons. Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hon. J. R. Cornwall and C. W. Creedon. Noes—The Hons. L. H. Davis and D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 6)

Adjourned debate in Committee (resumed on motion).

(Continued from page 2602.)

Clause 11—'Wearing of seat belts is compulsory'.

The Hon. C. J. SUMNER: The Opposition opposes this clause. Unfortunately, not all members were present when this matter was last debated. It deals with the question of whether or not the fact that a person fails to use a seat belt ought to be a ground for an allegation of contributory negligence against that person. At present, that is prohibited. When this legislation was introduced 10 years ago it provided that a person's failure to wear a seatbelt was not sufficient ground for a claim of contributory negligence. The Government now seeks to withdraw that provision for the reasons that I outlined in my second reading speech.

I urge the Council to vote against this clause, because it represents a retreat from the notion of no fault. It represents a retreat from the general concepts that have been accepted recently in trying to get away from the fine distinctions of culpability and non-culpability in motor vehicle accidents. It introduces new areas of dispute in defining culpability and contributory negligence. I feel very strongly about this clause, and I believe that it is a retrograde step.

The Hon. K. T. GRIFFIN: In the recent case of *Richardson v. Schultz*, (unreported, 19 June 1980) Mr Justice Williams found that the plaintiff's injuries were caused partly by the negligent driving of the defendant and partly by the plaintiff's failure to wear a seatbelt. Mr Justice Williams found:

> If it were not for the provisions of section 162ab (5) of the Road Traffic Act I would find that the plaintiff was guilty of contributory negligence through her failure to wear her seat belt, but as I have said, in my judgment in that subsection there is a clear direction that that failure is not to be regarded as establishing or tending to establish contributory negligence on her part.

There seems to me no logical reason why an award for damages should be reduced as a result of some acts of contributory negligence but not as a result of some other acts of contributory negligence, such as the failure to wear a seat belt. Section 162 ab, subsection 5, was enacted at the time when there was a great deal of controversy about wearing seat belts and this exemption was included as part of a package that related to the introduction of the compulsory wearing of seat belts.

As the Leader of the Opposition has said, this provision has been in operation now for over 10 years. People have now become accustomed to wearing seat belts and in all modern motor vehicles they are standard equipment. It seems to the Governemnt and to the State Government Insurance Commission and others who work in this field that there is no longer the need for this subsection to remain in the Act.

The Hon. N. K. FOSTER: I strongly oppose the clause because of the fact that it is obviously ill conceived and not properly thought out. Whilst the Attorney may consider that the seat belt legislation has been operating for about 10 years, he has failed to understand that it has not been correctly and properly looked at over those 10 years. There is very clear supporting evidence that will show in the next 12 months, regarding the design rules on seat belts and their fixture in some cars, that somebody somewhere has not been doing his homework.

I can name one particular vehicle. I would like to do so off the record but that course is not available here, so I will not name the vehicle. There is one particular small vehicle where the seat belt is placed so high up, almost to the roof of the car, that maximum headroom in the car is difficult when a small person is the occupier of the driver's seat. In that case, this particular seat belt comes right across the neck and does not touch the shoulder.

The Hon. C. M. Hill: Is that a pillarless car?

The Hon. N. K. FOSTER: No, it is a pillared car. It is way up and it comes across on a particular person—

Members interjecting:

The Hon. N. K. FOSTER: You are not very observant or you would have noticed that. There has been some interest in the statistical matters concerning particular vehicles and this is not an isolated case where there is a contributing factor for certain types of injury. In 1963 I lay for some weeks with a whiplash injury of a type that could have been far worse had I been wearing a seat belt. I suffered a cracked rib a couple of years ago and it was impossible for me to wear a seat belt. Doctors do not strap a person for that now, because that is the worst thing to do. if Dr Ritson were here, he would confirm that. A pregnant woman may pose some problems because of her pregnancy. That has not been taken into consideration, because during the course of her pregnancy she is not forced to wear a seat belt. Are we going to have judges considering contributory negligence on the part of a woman who is in that sort of situation?

The Hon. K. T. Griffin interjecting:

The Hon. N. K. FOSTER: Yes, it is, Mr Attorney. You have not done your homework sufficiently in respect of the disabled, the sick and others. You have not it in respect of this type of vehicle and you have not done it in respect to public transport, where there is no provision for a seat belt.

The Hon. K. T. Griffin: Each case is judged on its own merits.

The Hon. N. K. FOSTER: I waited for that. I have been in industry where we have had cases where people have worn safety footwear and have suffered horrifying foot injuries. I am not suggesting that that would be the case with seat belts, but it is wrong to say that a person who does not wear industrial gloves should get less compensation. I know people who cannot work with gloves. I find it very difficult myself, but I have seen men carrying bags of cargo while wearing them. The safety hat is another example. If you want vision, you do not have one on, in case it comes down over the eyes. I strongly appeal to the Attorney-General to lay this Bill aside for at least another 12 months, as he has been far too hasty.

I refer also to children. The law provides for them to wear seat belts. Often, the seats which children occupy are the rear seats. The two outside seats provide for belts from the pillars but the centre waist seat belt is useless. It causes a doubling at the waist on impact, and the child strikes its head on the front seat. Let us be serious. Let us lay this clause aside. The inertia Bill has not been proven, except, in the early stages. I do not put absolute faith in seat belts and one is foolish if one does. We should be educating people to drive more defensively and more correctly. We should be spending money on that.

All accidents involve contributory negligence to a certain degree; there is no question about that. If I go out of here tonight, drive down North Terrace and kill a drunk who lurches our in front of me, is the law going to say that that person is in the wrong? Of course it is not. The ratio here is 75 per cent to 25 per cent. We are trying to put on the Statute Book something which is worse than that. If I am driving a car, with a child in the centre seat wearing a lap-type seat belt and I am hit or involved in a rear-end collision with another car, I could be held to have been negligent in my driving if that child is a paraplegic as a result.

To me, this is legislation of the worst possible kind, and that is what the Government is providing for the courts. The judges can grieve as much as they like about not having the powers. I am sorry in a way that the matter referred to was unreported, because I most certainly would have been prepared to pick up the argument at that time, had it been reported, on the basis that it ought not to have been taken as a precedent. It has turned out to be an extremely dangerous one, and unfortunately for people in the community the Government or its advisers have not thought it through.

I plead with the Government, on behalf of the motoring public, not to insist on this provision. The Opposition is prepared to look at the matter later on (and I hope that common sense prevails) when the manufacturers of motor cars and owners have been consulted, when the university accident unit has given the Government a report (if it requests the unit to do so) on the position in relation to restraint belts, and when the position of certain people involved in accidents has been assessed and the injuries that are involved concerning the placement of seat belts in certain positions has been assessed. I am not criticising the Government for introducing the provision, but I implore the Government to withdraw it.

The Hon. K. T. GRIFFIN: The matter has been given careful consideration.

The Hon. C. J. Sumner: By whom?

The Hon. K. T. GRIFFIN: By the Government and its advisers. The Government has taken into consideration the fact that the provision was inserted in the Road Traffic Act at a time when the question of the compulsory wearing of seat belts was a new issue. But that was some 10 years ago and during that period it has become obvious (and there is statistical information available which I do not propose to deal with at this stage) that indicates quite clearly that the wearing of seat belts in the majority of cases prevents more serious injuries occuring than those occurring through motor vehicle accidents. The Government believes that the amendment is an appropriate one and that it ought to pass.

The Committee divided on the clause:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, K. L. Milne, and R. J. Ritson.

Noes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons. L. H. Davis and D. H. Laidlaw. Noes—The Hons. J. R. Cornwall and C. W. Creedon.

Majority of 1 for the Ayes.

Clause thus passed.

Remaining clauses (12 to 23) and title passed.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a third time.

The Hon. C. J. SUMNER (Leader of the Opposition): I emphasise that the failure of the Council to delete clause 11 is one of the worst decisions it has taken in recent times. Clearly, insufficient consideration was given to the clause. Once again, Australian Democrat Milne listened to none of the debate and, I suspect, had absolutely no idea of what he was voting on. Members opposite took absolutely no interest in the matter. What has happened, of course, is that the rights that citizens now have have been drastically reduced by this clause.

I will certainly refer to the Attorney-General the first victim of a motor vehicle accident who is seriously injured, who may have permanent brain damage or permanent physical injuries, who may be entitled to a claim, say, for $100 000 for serious injuries and whose claim is reduced by 50 per cent because he failed, in a momentary lapse, to wear his seat belt. That is what the Council has agreed to. I am absolutely appalled that the Council has taken away the rights of citizens in that respect. If there is any complaint about this matter, I will refer it to the Attorney-General, who can then attempt to justify to a paraplegic, someone who cannot use his legs, that, because he did not wear his seat belt, he is not entitled to damages and proper sustenance for the rest of his life. It may be that an 18-year-old person, through a momentary lapse and through nothing else, may not wear his seat belt.

The Hon. C. M. Hill: But he should wear his seat belt. What's the matter with you?

The Hon. C. J. SUMNER: Come off it! We know that. Penalties are provided by law against a person who does not wear a seat belt, but do members opposite believe that, if a person does not wear a seat belt because of a momentary lapse (and that person may be an 18-year-old) and if he becomes a paraplegic, his damages should be reduced?

The Hon. J. C. Burdett interjecting:

The Hon. C. J. SUMNER: The Hon. Mr Burdett, as Minister for Community Welfare, says 'Yes'. If the judge decides that you did not wear your seat belt, you have then to make a 50 per cent contribution towards your injury and your claim for sustenance to keep yourself together for the next 30 or 40 years is cut in half. Is that fair? The Hon.

Mr Burdett, the Minister of Community Welfare, says 'Yes'. That says a lot for the attitude he has to his portfolio.

This is one of the worst decisions that this Council has taken in this session of Parliament. I hope that Liberal members will be prepared to confront those people with serious injuries who have their damages reduced just because, in a momentary lapse of concentration, they failed to put on their seat belt. Because of that, they may no longer get from the courts the money to enable them to live in a reasonable condition for the rest of their life. What sort of compassion is that? What sort of humanity is it? The Minister has none whatsoever.

Members of the medical profession in this Chamber are voting in favour of a clause that will have that result. We have the Minister of Community Welfare doing the same thing. Quite frankly, I am appalled. I think that the Government has been conned and that they ought—

The Hon. N. K. Foster: They ought to sack the judge down there, too.

The Hon. C. J. SUMNER: I am not worried about what the judge says; he had nothing to do with it. This represents a retreat from the concept we ought to be looking at, which is getting away from these quibbling arguments about who is to blame and who is not to blame in road traffic accidents, and about contributory negligence and how much a person should get who has been injured in a road traffic accident because he failed to wear a seat belt. I think that this is a disgrace.

The Council divided on the third reading:

Ayes (9)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, K. L. Milne, and R. J. Ritson.

Noes (8)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

STATE THEATRE COMPANY OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

SOUTH AUSTRALIAN FILM CORPORATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PLANNING BILL

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION BILL

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

River Torrens Linear Park and Flood Mitigation Scheme,

Technology Park Adelaide Development.

PETITION: CASINO

A petition signed by 195 residents of South Australia praying that the Council would prevent the passage of any Bill to legalise a casino in South Australia was presented by the Hon. K. L. Milne.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

By Command—

Recent Trends in South Australian Public Finances and the 1981-82 Outlook—Information Paper issued by the South Australian Treasury, December 1981.

Pursuant to Statute—

Racecourses Development Board—Report, 1980-81.

By the Minister of Community Welare (Hon. J. C. Burdett)—

By Command—

Australian Agricultural Council—Resolution of the 111th Meeting, Darwin, 3 August 1981.

Pursuant to Statute—

Planning and Appeal Board—Report, 1980-81.

QUESTIONS

ORANA INCORPORATED

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about Orana Inc.

Leave granted.

The Hon. C. J. SUMNER: I indicate that I am asking this question on behalf of the Hon. Dr Cornwall, shadow Minister of Health, who is absent on Parliamentary business and who is paired with the Hon. Mr Davis.

Orana Inc. was formed by a small group of parents of intellectually handicapped persons more than 30 years ago. At that time there were no educational facilities at all provided for these disadvantaged people in South Australia.

The original organisation became known as the Mentally Retarded Childrens Society. From the enthusiasm and dedication of the parents at that time and many who followed them, the organisation grew to a voluntary body which today provides 19 facilities—sheltered workshops, hostels and activity therapy centres—throughout South Australia. The activity therapy centres in particular were set up at the behest of the Federal Government. They were specifically to cater for those people with a low capacity to work in a sheltered workshop situation. Capital funding was provided on a Government subsidy and/or grant basis.

Recurrent funding was provided by widespread, well organised and enthusiastic voluntary fund-raising throughout the community. In addition, the Department of Social Security provided 50 per cent of approved staff salaries and some subsidies towards purchase and maintenance of

equipment and premises. More than two-thirds of the running costs were met by voluntary fund-raising and small charges against the pensions of the intellectually handicapped people using the facilities. This was a very heavy burden for parents, many of whom were past middle age or on pensions. Nevertheless, it was accepted as a life-time commitment by them. After the financial squeeze imposed by the first Fraser Government in 1976, the organisation began to experience financial difficulties. It was by now a large and complex body providing a wide range of services.

In 1977 they applied for deficit funding to the State Government. This led to an inquiry which recommended changes in administration to contain costs and streamline management. The inquiry found that administration costs had escalated alarmingly since 1974 while fund-raising, which by this time was being organised by so-called professionals, had declined markedly. Government officers concluded that, if the board of directors and the Executive Director, Mr Jim McLachlan, addressed themselves to these problems, financial viability could be restored. In other words, Mr McLachlan and his board were told to put their house in order. Despite these recommendations no effective changes were made at the time and the financial affairs of the society continued to deteriorate.

By 1978 Compton Associates Pty Ltd were engaged by management supposedly to find ways out of what was then a crisis situation. Unfortunately, implementation of the recommendations of the Compton Inquiry led from crisis to disaster. For the first time in almost 30 years parents were excluded from an effective voice or voting power on the new board of directors. Furthermore, the new board adopted the remarkable and reprehensible stance that it was no longer responsible to the members of the society, the vast majority of whom were concerned parents. Communication ceased and policies were promulgated without any consultation with the membership. All former methods of voluntary community fund-raising which had been so successful over the years were suspended and replaced with a so-called planned giving programme. The board demanded that parents must contribute regardless of their age or financial situation.

With regard to this enormous imposition Mr McLachlan said in a report to the board in August in 1981:

> Anyone who does not respond to the request for payment or arrangement for payment should be handed over to a debt collection agency and ruthlessly pursued for the money.

He further recommended that any money or assets inherited by the handicapped persons be compulsorily assigned to the society. In the meantime, because of the continuing deterioration in the organisation's finances, fees charged for services at the A.T.C.s were raised by 100 per cent to $20 per week. This was taken from the meagre invalid pensions of the handicapped persons.

An examination of the published audited financial statement for 1980-81 showed a very serious financial position and rapidly escalating operating losses. Without a very dubious revaluation of assets, accumulated funds would have been wiped out. There are numerous examples of gross financial mismanagement. When a lottery organised in 1979 to raise funds by raffling a 22ft Boomaroo yacht failed, ticket moneys were said to be refunded. The yacht, valued at approximately $12 000, was sold to a person who allegedly declared himself bankrupt before financial settlement. The yacht has since disappeared.

Thousands of dollars have been misappropriated in the Riverland. In one case partial resolution has been accepted and police investigations dropped at the instigation of Mr Jim McLachlan. Allegations of further misappropriations have been very poorly investigated. In September many parents approached me for assistance. At the same time the deplorable conduct of the executive director, Jim McLachlan, and the board were reported to the Attorney-General, Mr Griffin, and the S.A. Health Commission. At this stage parents were desperate to have the affairs of Orana Inc. put in order to ensure the continuing availability of services to their sons and daughters. At that time they believed this could be achieved by amending the constitution in conjunction with a private Government-sponsored inquiry. They were very anxious to protect the former excellent reputation and public standing of Orana.

I did everything I could to assist them during September, October and November. I scrupulously respected their wish that these matters should not be raised publicly. In November an internal inquiry was begun by a committee comprising Ms Ruth Prescott of the D.S.S., Mr Alan Bansemer of the S.A. Health Commission, Mr Robert Miles (Chairman of the board) and Mr Bill Bowden as the parents' representative. The statement today by the Chairman of the Orana Board, Mr Miles, that the inquiry has been completed, contradicts his circular to all members stating that he withdraw because of what he alleged was bias by other members of the committee of inquiry. In fact, the inquiry was aborted by his withdrawal. Instructions were issued to the paid staff of Orana by Mr McLachlan not to provide further information to the committee of inquiry or any member of the society.

Parents have become so desperate that they have now asked me to make these matters public in order to reinstate and reinforce urgent Government action. At the same time they are continuing their strenuous efforts to amend the atrocious and gerrymandered constitution. Despite all of these extraordinary irregularities, the Attorney-General has claimed that there is no legal platform on which an official Government inquiry can be instigated. That, of course, is complete nonsense. There are very large sums of Government and public money involved. The Attorney-General can and must now set up an immediate public inquiry. I ask the following questions:

1. Is the Attorney-General aware that the private inquiry was aborted on 4 December?
2. What administrative, legal or legislative action does he propose to resolve the grave difficulties of Orana Inc. and ensure the welfare of 600 intellectually handicapped South Australians cared for by the society, particularly in this Year of the Disabled?
3. Will he take whatever steps are necessary to suspend the Executive Director and the present board and appoint an interim administrator until the parents can reassume control of their society?
4. Will he take whatever other actions are necessary as a matter of the greatest urgency to restore the financial viability, good name and excellent public image formerly enjoyed by the society?
5. In co-operation with the Minister of Health, Mrs Adamson, and the Federal Minister for Social Security, Senator Chaney, will he give an immediate and unqualified assurance that all the existing Orana facilities will be supported in whatever ways are necessary to ensure the maintenance of their very necessary services?

The Hon. K. T. GRIFFIN: I have been aware, as has the Minister of Health, that there have been difficulties with the organisation known as Orana. Under the Associations Incorporation Act I do not have any authority that would allow me to suspend any person within that organisation. I am aware that an inquiry was instituted through the Minister of Health and that she has had some discussions with the Federal Minister for Social Security. I will need to

refer those questions to my colleague, and I will ensure that the honourable member receives a reply.

INDUSTRIAL MAGISTRATE

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question regarding the sleeping magistrate.

Leave granted.

The Hon. C. J. SUMNER: On 2 December 1981 the Attorney-General made a Ministerial statement regarding certain allegations that had been made about a magistrate who fell asleep during a case for re-instatement of Dr Coulter against the Institute of Medical and Veterinary Science, and another matter of *Myles v A.P.I. Traders*. At the same time as the Minister's statement in this House, the Hon. Mr Brown, when answering a question in another place, said:

> I believe that it shows that the allegations made by the Hon. Mr Sumner in another place are entirely false. I believe that it is now appropriate for the honourable member to apologise both to the President of the Industrial Court and the magistrate involved and to apologise to the other House for making such a false accusation in Parliament.

I would like to assure the Chamber that I have absolutely no intention of apologising to anyone, least of all the Attorney-General and certainly not to the Hon. Mr Brown. I am appalled and disgusted by the Government's attitude in this matter. The Government is involved in a cover-up operation, and the legal profession and the judiciary have closed ranks to protect their colleague.

My actions have been completely proper. When I first heard the accusation that, in the case of Coulter, after 18 days of hearing a magistrate had disqualified himself because he had fallen asleep, I was absolutely horrified, as all right-thinking persons would be. That is the irony of the situation. Dr Coulter was dismissed, allegedly for behaviour that was inconsistent with his position. He challenged that dismissal, and then found, after 18 days of hearing, that the magistrate disqualified himself because he had fallen asleep.

I am absolutely horrified, and I should have thought that everyone in this Chamber would be, too. Eighteen days of judicial time, barristers at $300 a day, solicitors assisting the barristers, court reporters, clerks, and accommodation were all wasted. What an appalling and scandalous waste of judicial time it was.

I have absolutely no wish to embarrass the magistrate or the court. The magistrate is over the retiring age, and he helps out in the Industrial Court. He could be removed by the Government tomorrow and another industrial magistrate appointed if the Government was not so penny pinching. There is no question about it: the Government must wear the major blame in this matter. There is no question that the Honourable Dean Brown, the Minister of Industrial Affairs, is completely culpable.

Because I did not wish to cause embarrassment to the magistrate, I approached the Attorney-General informally in early July and explained the situation. I should have thought that he, too, would be horrified.

I followed up this matter several times with the Attorney-General. On 24 September, over two months later, I had had no response. I raised the matter formally in the House. A month later, on 23 October, I received an answer which confirmed that, in fact, the magistrate had disqualified himself from the case, after 18 days of wasted time. He denied that he had been asleep, but nevertheless disqualified himself. I then received further accusations relating to another case, and again I raised them in the Council. They are the ones that have now been dismissed by the Attorney-General and the Hon. Mr Brown.

I have now obtained further information and, although I am relunctant to raise it, I am forced do so by the Government's actions, and particularly those of the Minister for Industrial Affairs. I have spoken to the barrister involved in the Coulter case. He advised me that on at least three occassions the magistrate appeared to be asleep, and that he was cross-examinating a crucial witness in the case when the witness turned to the magistrate and said 'Do I have to answer this question?' The clerk, who was sitting in front of the magistrate, had to turn around and shake the magistrate to wake him up. It was clear to the barrister that the magistrate had not heard a crucial line of questioning of a key witness.

On another occasion, objection was taken by the barrister for the I.M.V.S. to a question asked by the barrister acting for Coulter. The objection was not heard by the magistrate. I understand that there was silence, and one of the barristers tried to drop a book in order to wake up the magistrate.

The PRESIDENT: The poor fellow must have been down here, listening to Parliament.

The Hon. C. J. SUMNER: It is no joke, Mr President. He then tried to bump the lectern.

The Hon. C. M. Hill: Did you say that he dropped a book?

The Hon. C. J. SUMNER: Yes, to try to wake up the magistrate. He then picked up the lectern, but, because it has a felt bottom, it did not make a sound. Eventually counsel acting for the I.M.V.S. expressed his objections in louder terms and, in fact, yelled 'I object'. Apparently that caused the magistrate to wake up. When these events were pointed out to the President of the Industrial Court discussions were held and the magistrate was disqualified, after 18 days on the Coulter case. I then received—

The Hon. J. C. Burdett: I thought you said he disqualified himself.

The Hon. C. J. SUMNER: The fact is that he was disqualified. He could no longer sit on that case after 18 days. I am surprised that the Hon. Mr Burdett is defending the magistrate.

The Hon. J. C. Burdett: I am not. I am just asking a question.

The Hon. C. J. SUMNER: He has been mumbling all the way through the question, to the extent that I get no other impression but that the Minister is defending this behaviour. I was then briefed on a subsequent case. Was I to remain silent in view of the information I received? The fact is that the law is being brought into disrepute in the Industrial Court. I have now checked from two witnesses in the Myles case. They observed the magistrate with his eyes closed and his head slumped forward so that he appeared to be asleep.

There may have been some misunderstanding about my earlier question. I have been advised that the witness did not actually say on the transcript that she refused to answer a question, but that she merely did not answer a question. There was a pause and the magistrate eventually woke up and the witness did answer the question.

The Government inquiry into these allegations was completely inadequate. These witnesses should have been approached, and there was a third witness who confirms the situation in that latter case, although I have not been able to speak to him. The situation is delicate because the case is still before the court on appeal. The situation has become unneccesarily messy because of the Government's refusal to act in the early stages. I should say that I have anecdotal evidence from the legal profession that backs up what I am saying. The facts are: first, the magistrate did fall asleep during the Coulter case and disqualified himself

after 18 days; secondly, there is *prima facie* evidence that this conduct has been repeated. That evidence has not been properly investigated by the Government, because the witnesses were not even interviewed.

I am so concerned about the matter that I intend to write to the Chief Justice, the head of the Judiciary in South Australia. The Judiciary has been brought into disrepute by the Government's not taking any action to remove the magistrate. I regret that the matter has come to this. I personally mean no disrespect to the magistrate, whom I am sure has served this State well. However, the damage done to the judicial system by the public who are confronted with the situation is irreparable. The question to the Attorney-General is: will the Attorney-General take action to appoint another magistrate in the Industrial Court so that there is no need to employ retired magistrates?

The Hon. K. T. GRIFFIN: The answer to that question is 'No'. In respect of the statements made by the Leader of the Opposition, I have provided material that details the responses to the allegations that he has made. The most recent response, quoted at length, was a letter that the Minister of Industrial Affairs received from the President of the Industrial Court. It was the President of the Industrial Court who made some inquiries as a result of the Leader of the Opposition's question; that was quite properly the responsibility of the President of the Industrial Court because the magistrate is an industrial magistrate under his jurisdiction. I believe that the matter has been adequately expressed and that all the information has been made available in the answers that have been provided in this Council.

BREAD DISCOUNTING

The Hon. C. J. SUMNER: I ask leave to make a brief explanation before directing a question to the Minister of Consumer Affairs on the subject of bread discounting.

Leave granted.

The Hon. C. J. SUMNER: A very disturbing situation is developing in relation to bread discounting which could be a threat to jobs and cause chaos in the industry in South Australia. The situation has been prompted by lack of Government action concerning bread discounting; in fact, there has been total inaction on the part of the Premier. On 15 October 1981, the Secretary of the Breadcarters' Industrial Federation in South Australia wrote to the Premier pointing out that there was discounting occurring in certain supermarkets beyond the guidelines of 5 cents established by the Government. The letter concluded as follows:

> We have greatly appreciated talks with your Ministers of Industrial Affairs and Consumer Affairs who will also receive the information I have set out, but because the problem has deteriorated rather than improve the members would sincerely appreciate reception of a deputation yourself.

That letter was not formally replied to until 2 December 1981. In the meantime, on 1 December I asked a question in this Council, giving information about examples of discounting, and the Minister said he was alarmed by the statements I made about the continuance of the discounting and that he would investigate the situation as a matter of urgency.

The first point that must be made is that I am surprised that the Minister was alarmed, because on 15 October, the Secretary of the Breadcarters Union wrote to the Premier. The Minister obviously received a copy of that letter six weeks before I raised the subject in Parliament. So the Minister was aware that discounting was going on and yet he expressed alarm on 1 December. Apparently, the minister was so alarmed before that on 16 November that he wrote to the Managing Director of Associated Groceries Co-operative Limited, as follows:

> The Government may feel compelled to introduce legislation to control the discounting of bread . . . I would be grateful if you would draw to the attention of all of your members the very real possibility that the discounting of bread will become subject to legislative control should excessive discounting of bread continue to the detriment of the public interest.

It is clear that on 16 November 1981 the Minister was aware that discounting was taking place, yet on 1 December when I asked a question he expressed alarm about the situation.

The Hon. J. C. Burdett: Your question related to Coles supermarkets.

The Hon. C. J. SUMNER: Yes, but there had been bread discounting. The Premier's letter, nearly two months after the initial letter from the Breadcarters Union, stated:

> I understand the Prices Division of the Department of Public and Consumer Affairs has approached the resellers listed by you on a number of occasions to no avail . . . The whole question of bread marketing is currently under review by the Prices Division and either I or the Minister of Consumer Affairs (Hon. J. C. Burdett) will contact you again when it is possible to report on any developments or concrete proposals.

In the Minister's letter of 16 November we have a statement that the Government may feel compelled to introduce legislation to control the discounting of bread; we have a statement from the Premier on 2 December that indicated that the whole question of bread marketing is currently under review; and we have the obvious situation that there have been approaches to certain retailers of bread in regard to discounting—but to no avail. Does the Government intend to take action in accordance with the Minister's letter of 16 November 1981? What does the Premier mean by saying that the question of bread marketing is currently under review? What options are being considered by the Government?

The Hon. J. C. BURDETT; Bread discounting has been fairly well contained for quite some time by monitoring and the inspections that have been carried out by officers of my department. Problems have occurred from time to time, more particularly recently. The question that the Leader asked previously related to Coles, and the letter from which he quoted was directed to someone else—it was a different matter. The honourable member's questions are all related. I have instructed the Prices Commissioner to hold a series of meetings with various interested parties with a view, after the meetings and after material is gathered from those meetings, to his taking whatever action may be appropriate. I do not intend to disclose at this time what sort of action is contemplated.

The Hon. C. J. Sumner: Come on!

The Hon. J. C. BURDETT: I do not. A series of meetings have been held, and I do not intend to pre-empt the type of action that has been taken. After the meetings have been held, the matter will be reviewed, as stated by the Premier.

REPLIES TO QUESTIONS

The Hon. K. T. GRIFFIN: I seek leave to have the following replies to questions inserted in *Hansard* without my reading them.

Leave granted.

M.V. *ISLANDER*

In reply to the **Hon. FRANK BLEVINS** (19 November).

No financial assistance or Government guarantee was provided by either the Department of Trade and Industry

or the Industries Development Committee for the construction of the M.V. *Islander*.

The Department of Marine and Harbors upgraded the wharf facilities at Cape Jervis at a cost of $120 000 and has entered into an agreement with the operators of the M.V. *Islander* under which the company pays a levy based on the number of persons carried each year, subject to a minimum annual payment. The agreement is initially for a five year period and is subject to renewal.

The company has recently approached the Government seeking improved port facilities at Cape Jervis. This matter is still under consideration,

LATE-NIGHT BUSES

In reply to the **Hon. C. W. CREEDON** (11 November).

Public Transport services on many routes operate at 30 to 60 minutes intervals until 11.15 to 11.45 p.m. from the city of Adelaide. Patronage on these services tapers off progressively after 6 p.m., with very small numbers, in general, using late services. For some years, in an effort to provide people with an alternative to the private vehicle for their journey home after social functions, the State Transport Authority has provided extended services on New Year's Eve until approximately 3 a.m. on New Year's Day.

A very small number of passengers use these services on a night when a significant proportion of the population is attending social functions. It would follow from this that on any other night of the year (when less people attend such functions) few people would be likely to patronise later public transport services if they were provided. In order to extend existing hourly services until the early hours of the morning, approximately 100 additional bus operators and 15 additional tram and train crews would have to be employed on any night involving the provisions of late services. It is considered that the cost involved would not be justified by the likely patronage.

REPLIES TO QUESTIONS

The Hon. C. M. HILL: I seek leave to have the following replies to questions inserted in *Hansard* without my reading them.

Leave granted.

LAND SUBDIVISION

In reply to the **Hon. N. K. FOSTER** (24 September).

The Minister of Lands has advised that departmental surveyors have not undertaken any significant cadastral survey work in the area mentioned since a survey was carried out in April 1980 to extend the Deep Creek National Park. Surveys have been carried out by private practising surveyors under instruction from the Surveyor-General in relation to the Government's freeholding policy in the general area.

None of the properties so surveyed, are large enough to be considered as the property referred to. The largest, just over 8 000 acres, is in the Hundred of Waitpinga, west from Victor Harbor and on the south coast. The only Government surveyor cost in these surveys was that of their administration, which was approximately $500. If the honourable member wishes to supply more specific details of the land, the Minister of Lands has indicated that he would further investigate the question.

STAGE COMPANY

In reply to the **Hon. ANNE LEVY** (28 October).

The grant from the State Government to the Stage Company of $75 000 for 1981-82 is an increase of $20 000 or 36 per cent over the previous year's allocation. This significant increase was appropriated from within Department for the Arts lines. The Stage Company had already received priority in the allocation of limited overall funds before its present situation became apparent.

Further, despite departmental and Treasury commitments to monthly cash flows, the total $75 000 was paid to the Stage Company within the first four months of the financial year. It must also be reiterated that the shortfall in Australia Council funding applies to the calendar year 1982, thus the Stage Company should not yet be affected by the Theatre Board's decision not to fund the company in 1982. The State Government has, already been generous in permitting the total financial year's grant to be paid so early, when the shortfall in Australia Council has not come into effect. That the company required such a large sum over a short period points to severe financial problems with the company. Accordingly, I have asked the company to make its complete financial records available to an accountant of my department. This step is necessary before any further assistance can be considered.

I have committed the Government to assist the Stage Company perform once before Christmas and at the Adelaide Festival of Arts. The production 'before Christmas', *Sandy Lee Live at Nui Dat* is currently in the middle of its run. Hence, the capacity of the company to perform at the festival is now under examination. It will be difficult to assess this until the current production is over and box office receipts can be taken into account and until the financial accounts of the company have been examined. However, over and above the allocation of $75 000 the Company in 1981-82 will be receiving theatre rental subsidy in excess of $11 000, a quite substantial palliative in these financial times. This will bring the total Government grant to over $86 000, an increase on the previous year of 56 per cent.

REPLIES TO CORRESPONDENCE

In reply to the **Hon. ANNE LEVY** (18 November).

On 20 November 1980, in this Council, the Attorney-General made a statement in relation to Special Branch and which in fact answered the matters previously raised by the President of the Council for Civil Liberties. It is regretted that there has been a long delay in answering the council's correspondence. It would appear that due to the time required to carry out the protracted negotiations prior to the Governor issuing the Order-in-Council, the letter of the President of the Council for Civil Liberties was never formally answered. A reply from the Chief Secretary attaching a copy of the Attorney-General's statement has now been prepared.

FISHERIES STATISTICS

In reply to the **Hon. B. A. CHATTERTON** (20 October).

January to June 1981 catch figures for prawns in St Vincent Gulf were approximate and were estimated on the first four months of known catches. As most fishermen's catch returns have been received, catches for the period January to June 1981 will result in an 11 per cent increase over the same period for the previous year.

REPLIES TO QUESTIONS

The Hon. J. C. BURDETT: I seek leave to have the following replies to questions inserted in *Hansard* without my reading them.

Leave granted.

AGRICULTURE DEPARTMENT RESEARCH WORK

In reply to the **Hon. B. A. CHATTERTON** (30 September).

As in the past the guidelines for the release of research papers and communications to the media, differentiate between the former, intended for scientific use, and the latter, intended for non-scientific and general distribution. The procedure involving material intended for general distribution is that the deparmental Divisional Publications Media Co-ordinator liaises with the Minister's press secretary at draft stage and each matter is categorised for subsequent release by the appropriate agency.

This keeps the Minister and his office informed of developments and ensures that Government policy is being adhered to. Because of this system, the matter of qualifications of the Minister or his press secretary to judge the scientific worth of research papers or technical material is irrelevant.

FRUIT FLY INSPECTORS

In reply to the **Hon. B. A. CHATTERTON** (19 November).

Although my colleague, the Minister of Agriculture, advised me he has not seen the advertisement in question, the Department of Agriculture has informed him that the advertisers make it quite clear the advertisement does not purport to portray real fruity fly inspectors. The Minister, therefore, does not intend to approach the beer company to seek the withdrawal of the advertisement.

RURAL ADJUSTMENT LOANS

In reply to the **Hon. B. A. CHATTERTON** (22 October).

My colleague the Minister of Agriculture has advised me that the information sought by the honourable member is contained in a reply by the Minister to a question on rural adjustment finance, which question was asked in the House of Assembly on 11 November 1981.

STATE MEAT INSPECTORS

In reply to the **Hon. B. A. CHATTERTON** (18 November).

In response the honourable member's question, my colleague, the Minister of Agriculture, advised that discussions with the deputation of meat wholesalers covered all the avenues to ensure the availability of meat for the domestic market. As members would know, the Government was left with two alternatives, either negotiation of a dispensation for domestic processing with the Commonwealth Meat Inspectors' Association or the re-establishment of a State inspection service. He pointed out to the deputation that the Government was prepared to undertake either option to ensure domestic meat supplies. His remark as the deputation was leaving was in a light-hearted vein to indicate that he was preparing for any eventuality. It is his style to be ever ready.

CLOUT

In reply to the **Hon. B. A. CHATTERTON** (10 November).

In response to the honourable member's question concerning the labelling of chemicals with detailed poisons information, my colleague, the Minister of Agriculture, informs me that in compliance with the Agricultural Chemicals and Stock Medicines Acts chemicals appropriate to those categories already have on their labels suitable warnings and first aid information as are appropriate to their contents and as is required under Regulations of the Food and Drugs Act, 1908-1981.

'Clout' which was the specific chemical mentioned by the honourable member is a registered stock medicine and carries the following label warnings and statement:

DANGEROUS POISON S7
NOT TO BE TAKEN
READ SAFETY DIRECTIONS BEFORE OPENING
FOR ANIMAL TREATMENT ONLY
ACTIVE CONSTITUENT
10g/L DELTAMETHRIN
SOLVENT
490g/L HYDROCARBON LIQUID.

Safety directions

This product is hazardous and may cause skin irritation in certain individuals. Avoid contact with the skin and eyes and avoid breathing the vapour. When handling use protective gloves. If spilled on skin and on completion of each treatment wash thoroughly with soap and water. Wash contaminated clothing before re-use. Do not eat, drink or smoke during application.

First Aid

If poisoning occurs, contact a doctor or Poisons Information Centre. If swallowed induce vomiting. Use Ipecac Syrup (APF) if available.

To get to the core or the honourable member's question, in the first aid statement the user is told to contact a doctor or the Poisons Information Centre. The telephone number and address of the Poisons Information Centre is to be found on the inside of the front cover of all telephone directories. Hence a user of such products in any area of Australia has quick access to this assistance if required in the case of an accident. It would not be practical to list this information on all labels for all States.

DENTURES SCHEME

In reply to the **Hon. J. R. CORNWALL** (18 November).

My colleague the Minister of Health informs me that funds to cover the cost of treating country patients on the denture waiting lists at public dental clinics will be released by the Dental Health Services Branch of the South Australian Health Commission. As and when further funds become available through savings in health budget or anticipated revenue, the scheme will be extended to patients in the metropolitan area who are on the denture waiting lists. Letters advising country pensioners of the scheme and inviting them to participate have already been sent by the Minister of Health.

DENTAL SCHEME

In reply to the **Hon. J. R. CORNWALL** (19 November).

I refer the honourable member to my reply to the question he asked in relation to the Pensioner Denture Scheme on 18 November 1981. As I stated in this Chamber on 16 September 1981, when commenting on a motion concerning pensioner dental care, I can assure honourable members that, within the constraints of our Budget, the established community health programme, of which the school dental service is one, will continue to be regarded as central to the implementation of the Government's health policy.

HOSPITAL MORTALITY

In reply to the **Hon. J. R. CORNWALL** (17 November).

In a letter dated 16 October 1981, the Minister of Health furnished the honourable member with details concerning the treatment of Mr G. Hage. The Minister points out that the major teaching hospitals have death review committees which are open committees within the hospitals. The appropriate method of referral of this patient episode should have been to the coroner, whose responsibility it is to investigate causes of sudden death. I understand that this has not been done and this should have happened. This would normally be the responsibility of the local medical practitioner attending Mr Hage.

The honourable member's suggestion that a hospital mortality review committee be established would only impose another committee on the committees already in existence. It should, however, be made clear that such a committee would not be in a position to investigate deaths such as that of Mr Hage as it did not occur in hospital.

MEAT

In reply to the **Hon. N. K. FOSTER** (17 September).

The Minister of Agriculture informs me that Samcor made no arrangements for the supply of meat to any company using the name McDonald's. However, Samcor did enter into an arrangement with a company known as Fat City, Australia to utilise facilities at Gepps Cross for the production of export hamburgers. That company subsequently withdrew from its operations at Samcor but there is no known connection between Fat City and McDonald's.

INDUSTRIAL CLAIMS

In reply to the **Hon. N. K. FOSTER** (12 November).

1. As to questions 1. and 2., the Minister will not be supporting the application before the South Australian Industrial Commission because the basic intention of Section 36 of the Industrial Conciliation and Arbitration Act is that workers under State awards should not receive increases in wages on economic grounds until such time as the Australian Conciliation and Arbitration Commission hands down a decision in a National Wage Case. As the next National Wage Case is not scheduled until February 1982 the U.T.L.C. sponsored application before the State Commission is nothing more than a back door method to obtain increases in wages for workers employed under State awards ahead of those workers in South Australia who are employed under Federal awards. The Minister is not prepared to put a precis of the Government's argument in the matter to Council: it is a matter for the Industrial Commission to decide.

2. As to questions 3. and 4., on Wednesday 18 November 1981 the Government introduced into the House further amendments to the Industrial Conciliation and Arbitration Act. The Minister does not intend to make a separate statement on the matter.

ADJOURNMENT

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That the Council at its rising adjourn until Tuesday 9 February 1982.

In moving this motion, I want to take the opportunity to wish all members of the Council and staff the compliments of the season and a happy and prosperous 1982, and at the same time to record my appreciation, and that of the Government and this Council, to all those persons who have assisted in the running of the Council and the Parliament, and within this Council particularly the table staff, who have always worked especially hard and ably, not only during the sittings of the Council, but for Select Committees and other work associated with the functioning of the Parliament.

I want to record also my appreciation and that of the Government and the Council to *Hansard,* whose members work particularly hard behind the scenes, as well as on the scene, and are often those most under pressure during long and late sittings of the Parliament. To the typists, the clerical staff, messengers, catering staff, Library staff, Parliamentary Counsel, and all the others who contribute to the functioning of the Parliament in this Council, I want to record appreciation. At this late hour, as I have indicated, I wish all members and staff the compliments of the season.

The Hon. C. J. SUMNER (Leader of the Opposition): On behalf of our Opposition members, I would like to endorse the remarks of the Attorney-General and to convey to everyone in Parliament House who is involved with our activities during the year the same compliments of the season. No doubt most of them will have the opportunity of receiving those compliments in some form or other again over the next few days as we approach the Christmas break. I would like to convey good wishes to honourable members opposite and to all the staff the Attorney has mentioned. I express the Opposition's appreciation to the staff who have worked under what can only be described as fairly tiring conditions over the past three mornings.

I would like to thank the capitalist press, or at least one part of it, for having revived after a number of years the *Advertiser* party. Over the past two or three years I have been quite condemnatory of the *Advertiser* for having apparently abandoned this very useful function, and I was very pleased to see that this year it was reinstated, and it was a fine show. During the party I personally was dealt a body blow, however. I would have thought that, after my continuing advocacy of the revival of this party, I would be the front runner for the politician of the year award. Instead, this Council was completely overlooked and the award was given to a member from another place. However, those are the sorts of misfortune and disappointment that one has to put up with in political life. I will try, during the coming days, as we draw towards the festive season, to overcome my feelings of disappointment. I hope that I get the opportunhity to do that with people in Parliament House during the next few days, and I again endorse the Attorney-General's remarks in wishing everyone here a happy Christmas and a prosperous new year.

The Hon. K. L. MILNE: I do not want to go over all the best wishes that everyone has given everyone else. As of tomorrow, I wish you all the best for Christmas and the New Year. Also, I want to thank the staff, the messengers, *Hansard,* the press, and all those on whom I rely much more than do other members. I have relied on the courtesy from the Government bench and the Opposition bench, and I am grateful for what little I have received. I withdraw that: thank you very much for that courtesy, without which my life would be more like hell than it really is. The best wishes to all, and thank you.

The PRESIDENT: I would like to endorse the remarks of the Attorney, the Leader and the leader of the Democrats in wishing everyone a happy Christmas and a prosperous and successful New Year, and also to endorse the kind

remarks made about the staff and *Hansard*. There can be no doubt in anyone's mind that we have an excellent group of officers serving us in this Chamber, and I wish them well and thank them for their services.

It may be opportune to mention that I noticed on page 3 of this morning's *Advertiser* a report which must give joy and pleasure to all who know the couple, Lance Milne and Joan, who have announced their impending marriage. I am sure all honourable members join with me in congratulating Lance on the happy occasion. I have endorsed the remarks of the previous speakers in wishing you all well for the coming festive season.

Motion carried.

At 1.58 a.m. the Council adjourned until Tuesday 9 February 1982 at 2.15 p.m.